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JAPAN'S CONSTITUTIONS: 1890 AND 1947

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I. A NEW CONSTITUTION PROMULGATED

The Meiji[1] constitution was in effect from November 29, 1890, until May 3, 1947, a period of fifty-six years and approximately five months. The present constitution, which may be known after the demise of Emperor Hirohito as the Showa[2] constitution, was proclaimed in effect by Premier Yoshida Shigeru in the presence of Hirohito on May 3, 1947. The proclamation was read from a platform on the Palace plaza in Tokyo. The audience of five thousand people which stood in the rain before the platform was small in comparison with the huge crowd that surged around the imperial carriage on November 3, 1946, following the official ceremony of promulgation; but it was equally enthusiastic in its demonstration of loyalty. On both occasions, it was apparent that the embarrassed-looking, bespectacled little Emperor, and not the constitution, was the center of popular interest.

The imperial message given out on November 3, 1946, read:

"I have caused this day the constitution of Japan to be promulgated. This constitution represents a complete revision of the imperial constitution. It seeks the basis of national reconstruction in the universal principle of mankind. It has been decided upon by the freely expressed will of the people. It explicitly stipulates that the people of Japan renounce war of their own accord, that they desire to see the realization of a permanent peace founded on justice and order throughout the world, and that having constant regard to the fundamental human rights, they will conduct the national affairs on the fixed line of democracy. It is my wish to join with

[1] Meiji: title of reign era of Emperor Mutsuhito, meaning "Enlightened Government." The effective date coincided with that of inauguration of the Diet.

[2] Showa: title of reign era of Emperor Hirohito, meaning "Radiant Peace."

my people in directing all our endeavors toward due enforcement of this constitution and the building of a nation of culture tempered by the sense of moderation and responsibility and dedicated to freedom and peace."[3]

The official promulgation ceremony was held in the chamber of the House of Peers and was attended by the members of both houses. The galleries were open to visitors and were well-filled. Klieg lights illuminated the rostrum and the imperial chair behind and above it. Press and camera men were present. Solemnity of funereal depth marked the proceedings. No presiding officer appeared, the chamber was not called to order, and none of the speakers was introduced. Premier Yoshida and his cabinet colleagues ranged themselves in front of the rostrum shortly before Emperor Hirohito entered. His dark blue suit, buttoned to the neck, was of military cut and bore a single large decoration. He stood before his red-brocaded chair and read aloud the promulgation rescript handed to him by the Grand Chamberlain. The Premier than received the rescript and read a brief reply, after returning to the floor of the chamber and reascending to the rostrum.[4] The President of the House of Peers and the Speaker of the House of Representatives also read replies to the rescript. There were no *banzai* (hurrahs) from the members, who stood silently throughout the ceremony and bowed when the principal participants bowed. Within fifteen minutes, the Emperor had left the chamber, and the memorable ceremony ended without formal adjournment.

Continuity was officially declared between the old and the new documents in the imperial rescript of promulgation: "I rejoice that the foundation for the construction of a new Japan has been laid according to the will of the Japanese people, and hereby sanction and promulgate the amendments of the imperial Japanese constitution effected following the consultation with the Privy Council and the decision of the Imperial Diet made in accordance with Article 73 of the said constitution."[5] The words "revision" and "amendments" are, however, descriptive only of the procedure followed. The new constitution is not, in fact, a revision, but an entirely new instrument of government. Japan's fundamental law has been fundamentally changed. Whether or not a corresponding

[3] *Official Gazette*, extra, Nov. 3, 1946.

[4] The descents from the rostrum were difficult as they were required to be made backward, but there were no casualties.

[5] *Official Gazette*, extra, Nov. 3, 1946, p. 1.

change will occur in Japan's political way of life, thus infusing reality into legality, only time will tell.

II. FORM AND MODELS

The new constitution is entitled simply "The Constitution of Japan," and throughout the document the terms "empire" and "imperial" are used less frequently than in the old instrument.[6] In general, the sequence of chapters is the same in both, but the new document has eleven chapters, the old seven, the additional chapters being the second: "Renunciation of War;" the eighth: "Local Self-Government;" the ninth: "Amendments;" and the tenth: "Supreme Law." There are 103 articles in the new, 76 in the old constitution. In phraseology, the new instrument is somewhat rhetorical and is less definite and legalistic than that of Ito Hirobumi and his co-drafters of Meiji.

Whereas the constitutions of Prussia and other German states of the early 1880's were the models used by Meiji statesmen, American, British, and internationalist principles are dominant in the present constitution. The revolutionary change involved cannot be felt more forcefully than by reading a few sentences of the respective preambles. In 1889, Emperor Mutsuhito prefaced his gift of liberties with these words:

"Having, by virtue of the glories of our ancestors, ascended the throne of a lineal succession unbroken for ages eternal . . . we hereby promulgate . . . a fundamental law of state, to exhibit the principles by which we are to be guided in our conduct . . . .

The rights of sovereignty of the state we have inherited from our ancestors and we shall bequeath them to our descendants . . . ."

The preamble of 1947 reads, in part:

"We, the Japanese people, acting through our duly elected representatives in the National Diet . . . do proclaim that sovereign power resides with the people and do firmly establish this constitution. Government is a sacred trust of the people, the authority for which is derived from the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict therewith."

[6] The new constitution, in English translation, was printed in the Japanese *Official Gazette*, Nov. 3, 1946, and issued in pamphlet form by the cabinet secretariat; the old constitution is accessible in H. Ito, *Commentaries on the Constitution of the Empire of Japan* (Tokyo, 1889 and 1906), and in H. S. Quigley, *Japanese Government and Politics* (New York, 1932), Appendix IV.

III. SOVEREIGNTY AND SOVEREIGN

Obviously, no Japanese conceived or wrote the lines quoted from the new preamble. They were composed while the old constitution was in force and would have been arrant *lèse majesté* under it. But today they are part of Japan's supreme law which all Japanese, in or out of public office, are bound "to respect and uphold." It is probable that the majority of the people do not know what they mean and that an influential element accepted them only under duress and will seek to dilute them by interpretation. Among the latter are honest men who fear that too rapid democratization will produce disorder and civil strife. Others cherish the privileges and power of oligarchy and bureaucracy. Perhaps both aspects of this attitude, which, while anti-militarist and pro-Western, is too deeply attached to tradition to welcome popular sovereignty, are revealed in the position taken by Dr. Kanamori Tokujiro, the minister of state who bore the brunt of the burden of explaining the provisions of the constitution to the members of the Diet. When pressed by an eminent professor of constitutional law, Dr. Sasaki Soichi, as to whether or not the new constitution provided for a change in the national polity (*kokutai*), Kanamori replied in the negative. He maintained that the constitution does not alter the "characteristics of the state." Dr. Sasaki responded that the principal characteristic of the Japanese state had been the sovereignty of the Emperor by virtue of his lineage. He maintained that with the disappearance of this characteristic feature the polity had been fundamentally altered. Kanamori, however, with the support of Premier Yoshida, argued that Sasaki was pointing to a mere legal change which would not affect the moral position of the dynasty—the true index of the national polity.[7]

Kanamori's interpretation is understandable to the Japanese people. The Emperor has in fact been a moral, not a political, ruler. Consequently, sovereignty to the Japanese is a moral, not a political or legal, concept. This fact will strengthen the opponents of democracy, who will argue that principles have not changed, but that machinery of a more scientific type has been installed. It is unfortunate that this process of undermining the democratic movement could begin during the gestation period of true constitutionalism. Professor Sasaki's view—that sovereignty is a legal, not

[7] House of Peers, 90th Session, August 29, 1946, p. 17; August 30, pp. 15–16.

a moral, concept and that the Emperor has been both sovereign and moral leader, but has surrendered sovereignty while retaining moral leadership—exhibits an understanding of the issue. Unless Japan's statesmen are willing and vigorous exponents of popular sovereignty, there can only result a period of confused thinking, culminating in a struggle for power between the forces of liberalism and reaction.

Deference to Japanese sentiments underlies the allocation of Chapter I, as in the old constitution, to the position of the Emperor. Article 1 of 1947 contrasts with Article 1 of 1889. The former runs: "The Emperor shall be the symbol of the state and of the unity of the people, deriving his position from the will of the people, with whom resides sovereign power." The latter: "The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal."

In political terms, the Emperor, endowed by the old constitution with supreme executive, legislative, and judicial power, has been a symbol of rule, not a ruler.[8] Thus the new constitution embodies in law a political fact many centuries old. The Emperor is authorized to perform certain "acts of state," but is specifically forbidden to exercise "powers related to government." This prohibition is vague and difficult of enforcement, but its intent is clear. In the light of history, there is small likelihood that a Japanese Emperor will seek to govern. The opponent of democracy is not autocracy but bureaucracy.

IV. RENUNCIATION OF WAR

The new constitution is unique in history in its renunciation of war and of the threat or use of force as a means of settling international disputes. The right of self-defense is not renounced, but will be ineffective without military forces, all types of which "will never be maintained." These provisions, as well as the expression of trust "in the justice and faith of the peace-loving peoples of the world," read strangely in the present world situation. That they will outlive the reëstablishment of Japan's independence is more than doubtful. Not only are political probabilities against their permanence; international law also may be appealed to in justification of repudiation of them unless other states follow the example which Japan, perforce, has set.

[8] H. S. Quigley, *op. cit.*, Chap. V.

V. CIVIL RIGHTS

The principle that "subjects" shall enjoy civil rights was recognized and implemented, to a certain extent, in the old constitution. The rights enumerated were, in general, those customarily granted in the constitutions of democratic states. They were not, however, constitutionally guaranteed, since their definition was left to legislation and their standing in the courts was dependent upon it. The control of a bureaucratic, and at times militarist, executive over the Diet, the broad ordinance power, and the weakness of popular agencies of expression contributed to transform the old bill of rights (Articles XVIII-XXXII) into a declaration of ideals.

A warm sympathy for the common man vitalizes the civil rights chapter of the new constitution. Emphasis, in eloquent rather than precise language, is placed upon "human rights." They are declared to be "eternal and inviolate" and to belong, not to subjects or citizens, but to "the people." They are guaranteed by the constitution itself, all the old references to limiting "provisions of law" having been swept away. In a few articles, sentences from the American bill of rights are copied verbatim. But the general character of the provisions is to be traced to the desire to strike at feudal survivals—to assure respect for the individual and to encourage him to struggle to maintain his rights, to eliminate discrimination between social classes, the sexes, religions, husband and wife, rich and poor. The United Nations Charter may have influenced these articles. But they also have precedents in Oriental legislation, which goes farther than Occidental in mixing high precept with immediately enforceable provisions.

VI. PARLIAMENTARY GOVERNMENT

Although Article 55 of the Meiji constitution—"The respective ministers of state shall give their advice to the Emperor and be responsible for it"—was indefinite regarding the direction of responsibility, in practice the ministers were primarily responsible to the throne; and since the throne was a symbol rather than a seat of power, the ministers were in practice responsible to themselves or to the oligarchy which ruled from behind the throne. Thus the executive branch actually exercised the legislative power constitutionally vested in the Emperor acting with the consent of the Diet. The Cabinet was not obliged to resign upon vote of want of

confidence. If thwarted in its legislative program it could resign and seek a new mandate by election. Its ordinance powers were enormous. But its principal asset was the age-old tradition of bureaucratic government which held the people and their elected representatives in thrall.

Today the parliamentary system, on the British pattern, is the central feature of the Japanese government. The Diet is "the highest organ of state power and . . . the sole law-making organ of the state" (Article 41). The premier is elected by the Diet and the Cabinet is responsible to it. Resignation or appeal to the country through election must follow a vote of want of confidence by the House of Representatives. A majority of the Cabinet members must be members of the Diet.

Unless the deference to executive rule which has characterized the Diet continues to paralyze the political parties, there should be rapid progress along the road to democracy. Not only does the new constitution definitely subordinate the Cabinet to the Diet; it weakens the executive as a whole by omitting provisions and conventions of the old constitution which prevented a liberally-minded Cabinet from exhibiting responsibility to the Diet. Unaided or unhampered by a Privy Council, an Imperial Household Ministry, and a group of powerful military agencies, the Cabinet must accept responsibility and need not fear to do so. Stripped of the legislative ordinance power, it must go to the Diet to implement its policies. Its great financial powers no longer exist.

In view of the abolition of the peerage, and of the provision (Article 43) that both houses of the Diet shall be elected and "representative of all the people," the subordination of the "upper" to the "lower" house lacks the justification which it has in Great Britain. It is in accord, however, with the expectation that the new upper house, although popularly elected, would tend to carry over the conservatism of its predecessor. As in Great Britain, where the Cabinet was and is responsible to the House of Commons, it follows logically that the House of Councillors, like the House of Lords, should be unable to veto Cabinet proposals. But a consultative house, combining the valuable attributes of the old Privy Council and House of Peers and deprived of their crippling authority, is an essential feature of successful parliamentarism in Japan.

VII. REPUDIATION OF DUALISM

The constitutional position of the composite of agencies known as the Supreme Command brought about a dualism in the operation of the executive branch which embarrassed and at times paralyzed the Cabinet.[9] Manifested most obviously in relation to foreign affairs, dualism affected the whole range of political action. Since the Supreme Command, if it maintained unity, could force acceptance of its views, the net result of dualism was military domination of government.

The new constitution, as noted above, prohibits the maintenance of military forces of any type. One might expect to find the prohibition of ministries of war, navy, or national defense, and of other agencies of military administration. No such provision appears. On the contrary, the implication in Article 66—"The Prime Minister and other ministers of state must be civilians"—is that military ministries may be established.[10] However, there is no provision for the exercise of military authority outside of the Cabinet, in which executive power is vested. Constitutional dualism is abolished. When the efforts of Hara, Hamaguchi, Inukai, Saionji, and Takahashi to confine the military power within its proper limits are recalled, there is warrant to believe that future conspirators against civilian government will be unable to reinstate the constitutional bases of militarist control.

VIII. JUDICIAL INDEPENDENCE AND REVIEW

Japan's judges have been men of ability, integrity, and learning. They have been constitutionally protected from executive interference and removal. The courts have been recognized as a separate branch of government, though functioning on behalf of the Emperor, the repository of judicial power. Their judgments have not been reversible by the minister of justice. The intent of the framers of the Meiji constitution that the judiciary should be independent of the administrative officers has been realized in considerable measure.

The attainment of complete independence has been delayed in part by the inclination of judges to defer to the administration, a heritage from feudal times, and in part by the authority of the

[9] H. S. Quigley, *op. cit.*, 87–89, 104–117.

[10] The quoted provision was added to the original draft in the House of Peers and was explained by the chairman of the special committee to which the draft was referred as designed to exclude former military officers from Cabinet posts.

minister of justice to make the rules of judicial procedure, to make appointments and recommend promotions, to direct the work of the procurators, and to initiate prosecution in all criminal cases. The new constitution (Article 6), seeks to strengthen the position of the courts by denying final judicial power to any organ or agency of the executive, by endowing the Supreme Court with extensive rule-making powers, and by authorizing it to nominate the judges of the inferior courts. Presumably, other desirable reforms will be made by statute.

The Supreme Court has had the power to declare ordinances unconstitutional. This is now expanded to cover statutes, a less revolutionary change in law than might be supposed, since the courts have been the implementers of the all-embracing imperial prerogative.[11] In relation to practice, however, the change is revolutionary, enabling the Supreme Court to exercise political power to check the Diet on behalf of the sovereign people. Whether this power will result in strengthening the Diet against an executive as yet new to its responsibility to that body, or will back-fire in support of intransigent bureaucracy, will depend upon the rate of growth of the democratic spirit.

IX. LOCAL SELF-GOVERNMENT

Local autonomy in prefectures and municipalities is established as a principle in the new constitution, which leaves it to the Diet to implement the principle by law. Except for popular election of prefectural governors, no specific change in the existing system of local government is prescribed by the constitution.

X. AMENDMENTS

Executive control of initiation of constitutional amendments is replaced by that of the Diet, and ratification by the people is required to complete the process of amendment. Admirable simplicity characterizes the entire process: two-thirds concurrence of all members in each house; ratification by majority vote in a special referendum or a specified election.

XI. CONCLUSIONS

No attempt has been made here to appraise the relative importance of the contributions of agencies or individuals of the allied powers which are represented in the occupational administration,

[11] H. Ito, *Commentaries on the Constitution* (2nd ed.), pp. 111–112.

and of Japanese agencies or individuals. Official evidence is lacking on the point.[12] But internal evidence clearly indicates that the new constitution is a product, in the main, of Occidental, not Japanese, draftsmen. It does not represent the views of the men who staff the Japanese government today nor of those who compose the conservative majority in the Diet.

Professor T. Minobe, Japan's foremost liberal commentator on constitutional law, was opposed to discarding the Meiji constitution. He believed that democracy could advance under it if it were properly enforced.[13] Professor Minobe has devoted his life to interpreting the old constitution upon democratic principles. No one knows as well as he how difficult and dangerous that effort has been. On the other hand, democracy has advanced in Japan during the past fifty-seven years. Who can say that new forces released from bondage by the defeat would not have infused new meaning into the old document? Would not the freedoms written in the new constitution have been more clearly understood and more greatly prized if they had come out of struggle and not as a gift? Perhaps the answer is that constitutions are not what is written but what is done, and that the struggle to prevent the misinterpretation or amendment of the new Japanese constitution will afford plenty of exercise for such new forces as may emerge.

Assuming that these new liberal forces do emerge, will they feel the handicap, will they resent the implications, of a constitution imposed by alien conquerors? Will the results of arduous and sincere, if over-hasty and self-satisfied, effort be swept away by a gust of nationalism? Many factors—Japanese opinion toward occupation policy, post-treaty trade relations, the attitude of the United Nations, and the position of Russia—may operate to preserve or to destroy this document. Like the Weimar constitution, it represents the political center. Japan today, like Germany of 1920, lacks a strong center party. The country may swing wide to the right or to the left. The new constitution is, however, a projection of lines of development that were apparent before the Manchurian crisis occurred. That fact is an augury of its survival.

[12] Dr. D. N. Rowe cites the *Christian Science Monitor* in connection with a statement that the draft of March 6, 1946, which was but slightly amended before promulgation, "was entirely the work of the Government Section" of SCAP; see his article, "The New Japanese Constitution—I," in *Far Eastern Survey*, Jan. 27, 1947, pp. 16–17. The minutes of the Diet support this statement.

[13] *Monthly Summary of Non-Military Activities, Japan*, SCAP, Nov., 1945, p. 3.

WORKERS' CONTROL OF INDUSTRY AND THE BRITISH LABOR PARTY

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Socialist thought has long contained two potentially contradictory doctrines concerning the control or management of productive enterprises under a socialist régime. One of these is the idea of *workers' control*: the concept that under socialism workers will no longer be merely passive victims of the productive process, but direct participants in the control of productive enterprises. The other is the idea of *central control* on behalf of the entire community: the concept that socialism will replace "the anarchy of production" under capitalism with a central determination of the appropriate goals of economic activity. That there is possibility of conflict between these two objectives is self-evident. The decentralization of economic administration implied by workers' control may easily contradict the desire for centralization of certain kinds of economic decisions. Conceivably, one goal or the other might have to be abandoned, or at least seriously modified.

Today, for the first time in any major industrial nation, a socialist party pledged to the maintenance of democratic institutions is undertaking the task of building socialism. The achievements of the British Labor party may well determine the future goals and techniques of democratic socialists elsewhere. It is not inconceivable that success or failure of the British experiment will determine the path that Western Europe will follow. It is noteworthy, then, that during the last decade the Labor party has abandoned the goal of workers' control; in its current program of nationalization, it is making no provision for *direct* control of production by workers. This modification of socialist objectives, representing a swing away from the syndicalist content of socialist thinking in the direction of Fabian ideas, was achieved only after the entire socialist movement and the Labor party itself underwent the test of a protracted internal struggle, both of an intellectual and of a practical kind.

I. ORIGINS OF THE CONFLICT

The British Labor party is a fusing of several traditions and ideologies, the most significant of these for the debate over workers' control being three: Fabianism, Guild Socialism, and trade

unionism. Fabianism typified parliamentary socialism without syndicalism; it represented an exaggeration of the power of state institutions *vis-à-vis* non-state institutions. Guild Socialism and the ideology of the British trade union movement represented attempts to fuse parliamentary socialism with syndicalist elements, to strengthen social and economic institutions against the over-riding power of the state. Where Fabianism relied on the power of the worker as a citizen, as a political animal, to control and direct the state toward beneficent social goals, the Guild and trade union ideology relied on the worker as worker, as an economic animal, to offset state power. It followed, therefore, that where the Fabians opposed direct workers' control of socialized industries and favored exclusive parliamentary control, the Guild Socialists and spokesmen for a part of the trade union movement opposed exclusive parliamentary control and favored some form of direct participation by the workers in the control of industry. In these two conflicting statements of socialism, the major arguments for and against workers' control were delineated.

Repudiating the Marxian conception of the class-exploitative state, the Fabians set in its place the essentially idealist version of the state as a potential instrument for the liberation and equalization of men in economic society. The Fabian hypothesis was more than a mere negation of the Marxist view of the state; it was a positive affirmation that the state is potentially good. To Marx, the state was inherently evil in the sense that it is inevitably accompanied by oppression; either the bourgeoisie uses the state to oppress the proletariat, as under capitalism, or the proletariat uses the state to repress the bourgeoisie, as under the dictatorship of the proletariat. To the Fabians in Britain and to evolutionary socialists on the Continent, in contrast to Marx, freedom and the good society could be constructed and maintained only through the state.

On the Continent, a generation earlier than the Fabians in Britain, Lassalle had explicitly affirmed for socialists an idealist version of the state. The state has as its purpose, he said in 1862, "to make it possible for the individuals, by means of this unity, to attain such ends, such a stage of existence, as they as individuals never could attain; to enable them to attain a degree of culture, power and freedom that would be, to every one of them as individuals, absolutely unattainable."[1] The Fabians, with their wonted

[1] Quoted in Edward Bernstein, *Ferdinand Lassalle as a Social Reformer*, trans. by Eleanore Marx Aveling (London, 1893), p. 104.

caution, were more guarded, and tended to speak rather of society than of the state, of the community life transcending that of its members, of the derivation of the individual's life and personality from society; one's debt to the social organism was to be repaid by fulfilling one's "humble function in the great social machine."[2] Possibly inspired by the revivified Greek conceptions of the Oxford idealists, when the Fabians considered the state, they, like Lassalle, looked upon it as an instrument rather of liberation than of oppression. The achievement and operation of socialism were in consequence a matter of educating the people to use Parliament in behalf of economic freedom and equality; a matter, in other words, of combining the ends of socialism with the means of parliamentary democracy.

Two features of the Fabian conception of state and government led inevitably to the rejection of workers' control. The first was the acceptance of parliamentary supremacy as an expression of the majority will. The primary interest of the Fabians, therefore, was not in displacing Parliament, but in making it an efficient instrument of majority rule. "Remember," they cautioned in 1890, "that Parliament, with all its faults, has always governed in the interests of the class to which the majority of its members belonged. . . . And it will govern in the interests of the people when the majority is selected from the wage-earning class."[3] Since they were to ride to power by mastering Parliament, the Fabians would accept no fanciful ideas of workers' control of industry. Workers' control was essentially anti-social, they contended, since it placed the demands of the workers in a particular industry above those of the community as a whole. Hence all the energy elsewhere drained into schemes for self-government in industry was turned into a Fabian zeal for making parliamentary government more effective, through universal suffrage, abolition of property qualifications, public payment of election expenses, salaries for members of Parliament, triennial (or even annual) elections, abolition of the House of Lords, and other important but undramatic reforms. Not merely workers' control, but all other attempts to infringe on the supremacy of Parliament or to weaken Parliament as a majoritarian institution were consistently opposed by the Fabians. Socialism rested on democracy, democracy on majority rule, and majority rule on

[2] Sidney Webb, "The Historic Basis of Socialism," in *Fabian Essays in Socialism* [1889] (London, 1931), pp. 53–54.

[3] *What Socialism Is*, Fabian Tract No. 13 (London, 1890).

parliamentary supremacy. To have any public official ultimately responsible to some agency other than Parliament was a denial of the whole meaning of the British constitution.[4]

The other determining feature of the Fabian conception of government was an uncommon respect for the expert; turning a problem over to some expert body was the invariable Fabian solution for each new governmental difficulty that appeared. "Legislation and governmental administration," wrote Sidney Webb, "necessarily become in all highly organized communities—however democratic they may be—more and more the business of persons elaborately trained and set apart for the task, and less and less the immediate outcome of popular feeling."[5]

The reform of the civil service, largely completed before the Fabian Studies began to appear, had so successfully demonstrated the superiority of the expert administrator over the ill-trained amateur that even socialists were impressed. It followed inevitably that management of a nationalized industry ought to be in the hands of experts responsible to Parliament through an appropriate minister. In such a scheme, there was no place for the fumbling efforts of the workers' delegates. The essence of the Fabian ideal, therefore, was parliamentary government, plus the British civil service, plus public ownership. Fabian socialism was to be government based on common consent and administered by philosopher-kings responsible to Parliament.[6]

Such a conception of the socialist ideal could have been formu-

[4] For various criticisms of workers' control, see Sidney Webb, *Socialism: True and False*, Fabian Tract No. 51 (London, 1894), p. 16. See also, *A Plea for an Eight Hours Bill*, Fabian Tract No. 16 (1891), p. 3; and *The Case for an Eight Hours Bill*, Fabian Tract No. 23 (1891), p. 7. For parliamentary reforms, see *The New Reform Bill*, Fabian Tract No. 14 (1891); George Bernard Shaw, "Transition," in *Fabian Essays*, *op. cit.*, p. 174; Henry H. Schloesser, *The Twentieth-Century Reform Bill*, Fabian Tract No. 153 (1911); and Sidney Webb, *The Reform of the House of Lords*, Fabian Tract No. 183 (1917). For criticisms of direct election of administrators, the referendum, and PR, see *Report on Fabian Policy*, Fabian Tract No. 70 (1896), pp. 5, 13–14; Clifford D. Sharp, *The Case Against the Referendum*, Fabian Tract No. 155 (1911), *passim;* and Herman Finer, *The Case Against Proportional Representation*, Fabian Tract No. 211 (1924), p. 5.

[5] *The Necessary Basis of Society*, Fabian Tract No. 159 (1911), p. 6.

[6] For Fabian descriptions of the operation of industry under a socialist régime, see Annie Besant, "Industry Under Socialism," in *Fabian Essays*, *op. cit.*, pp. 143–151; Emil Davies, *State Purchase of Railways; A Practicable Scheme*, Fabian Tract No. 150 (1910), p. 22; *Public Control of Electric Power and Transit*, Fabian Tract No. 119 (1905), pp. 12–15; Henry S. Schloesser, *The Nationalization of Mines and Minerals Bill*, Fabian Tract No. 171 (1913), *passim.*

lated only in a nation like Britain where the state had long since ceased to be regarded as oppressive—where it was looked upon, not as a device for exploitation and repression, but as a means of progress. In those countries where the state was often repressive, where it earned the deep abhorrence and distrust of the working classes, socialist ideals frequently included elimination of the state. It is no accident that syndicalism had its widest appeal in Italy, Spain, France, and Russia; in these nations there were historical reasons for doubting that "politics" could be anything but evil and the state anything but oppressive. But in England a relatively benign political atmosphere robbed syndicalism of its vigor. To be sure, there had been a critical period of discontent in the 1830's, colored by the failure of the Reform Bill of 1832 to enfranchise the working class, when syndicalism thrived and working-class leaders condemned parliamentary government and the political state.[7] This short-lived syndicalist philosophy was perfectly expressed by a pamphleteer of the period:

> "We shall have a real House of Commons," he wrote. "We have never yet had a House of Commons. The only House of Commons is a House of Trades, and that is only just beginning to be formed. We shall have a new set of boroughs when the unions are organized: every trade shall be a borough, and every trade shall have a council of representatives to conduct its affairs. Our present commoners know nothing of the interests of the people, and care not for them. They are all landholders. How can an employer represent a workingman?"[8]

Yet syndicalism soon died out in Britain. The extension of the franchise, the growth and successes of the trade-union movement, and the economic reforms carried through by the maligned parliamentary government largely eliminated the extreme syndicalist ideas of the 1830's; it became evident that the state *could* be an instrument of freedom and progress. It was in this atmosphere that Fabian socialism appeared with its persuasive message of the benign service state.

Guild Socialism was, in part, a reaction from the Fabians' faith in the benevolent state. Even Guild Socialism was too much influenced by the climate of British politics to bear much resemblance to the extreme anti-state views of Continental syndicalist movements. Yet it had at its source two seminal ideas that were similar

[7] Max Beer, *A History of British Socialism*, 2 vols. (London, 1929), Vol. I, p. 320. [8] Quoted in Beer, *op. cit.*, p. 339.

to those expressed by the pamphleteer of the thirties. One was a conviction that any transformation in society was inadequate that left the worker with no more *direct* control over production than he had under capitalism. The other was a belief that the workingman's "interests" could not be adequately represented by any but workingman's delegates. Both involved a criticism of Fabianism and an affirmation of the need for some kind of workers' control in industry.

The first premise rested on a conception of the worker as a self-governing craftsman, a view originating partly from a romantic but by no means false conception of the status of the medieval craftsman, and partly from an extension of democratic ideals to the sphere of production. More than a generation before the Guild Socialist movement, William Morris had made a moving plea for socialism as the only possible means by which the workers' economic liberty and pride in craftsmanship could be restored to the high level of the Middle Ages. Guild Socialists were but repeating Morris when they urged that a mere transfer of property titles from the capitalist to the state would not satisfy the aspirations of working people. Socialism would betray its promises should it fail to give the workingman liberty in his daily work; and his liberty depended upon his ability to control his own working conditions. Parliamentary socialism, which would only replace the capitalist with the expert bureaucrat, offered the workingman little hope for genuine freedom.[9]

The second article of faith in the Guild Socialist creed was that of interest-group representation in the control of economic life. "Our present commoners", the syndicalist pamphleteer had written, "know nothing of the interests of the people, and care not for them . . . How can an employer represent a workingman?" Socialists like G.D.H. Cole elaborated this question. While Laski formulated a pluralistic legal theory, Cole expounded pluralism as a basis for a socialist society. In terms of interests, the individual is really several individuals: a worker, a consumer, a citizen. How can one delegate elected on a geographical basis adequately represent these diverse interests? To Guild Socialists it was plain that since each man belongs to several interest-groups, he must have several different representatives, each protecting one of his particular interests. Because Parliament was elected exclusively on a geographi-

[9] See G. D. H. Cole, *Self-Government in Industry* [1917] (London, 1922), pp. 31–32, 95.

cal basis, it was an inadequate legislative body. And parliamentary socialism, which rested on a traditional concept of geographical representation, could not meet the need for a fuller expression of the individual's manifold interests.[10]

Although there was disagreement among Guild Socialists as to the application of the principle, the principle itself was never at issue: the worker in his rôle of producer ought to have some kind of direct control over the productive process. It is not our purpose here to review the various conflicting and changing proposals for achieving this end. It is enough to note the serious difficulty of reconciling self-government in industry with the protection of the consumer and with the need for a separate parliamentary representative of the individual's over-all interests as a citizen.[11] Problems of this kind brought Guild Socialists into disagreement with one another and forced a progressive revision of opinion until ultimately the Guild Socialist movement and program ceased to have much significance. Yet Guild Socialism had clearly expressed certain underlying aspirations of the socialist movement, and it provided a legacy of doctrine rich in criticism of all forms of socialism that failed to give the worker a new status in industrial society.

The effect of the Guild Socialists on British socialism is indicated by the change registered in the Webbs. In their *Constitution for the Socialist Commonwealth of Great Britain*, published in 1920, they rejected as impractical the vocational parliament of the Guildsmen. They proposed instead a bicameral legislative organization elected on a geographical basis; one house was to be concerned with historic government functions and the other with economic problems.[12] Yet if the Webbs rejected a parliament of industry, they drastically modified earlier Fabian proposals in order to provide a measure of worker-control in industry.

They proposed that the economy be supervised by the Social Parliament, operating through standing committees. A standing

[10] *Ibid.*, p. 130; and his *Guild Socialism Restated* (London, 1920), p. 33.

[11] For various proposals, see A. R. Orage, *National Guilds; An Enquiry into the Wage System and the Way Out* (London, 1914), Chaps. 13, 16; Maurice B. Reckitt and C. E. Bechhofer, *The Meaning of National Guilds* (London, 1920), p. 199; S. G. Hobson, *National Guilds and the State* (London, 1920), pp. 125–126. See especially Cole's introduction to the 1919 edition of *Self-Government in Industry*, where he first recognized the inadequacy of his earlier conception.

[12] The Webbs referred to these as separate parliaments, respectively a Political Parliament and a Social Parliament; in effect, however, final sovereignty lay in a collective meeting of both parliaments. For details, see *A Constitution for the Socialist Commonwealth of Great Britain* (London, 1920), pp. 110 et seq.

committee for each of the main segments of the economy would be linked to its industry through two boards: one primarily to determine what was happening and to relay its information to the committee and the public, the other to undertake the everyday tasks of management and supervision, subject, of course, to the orders of the committee. On the latter boards, the Webbs excluded full-fledged workers' control; but in the selection of the boards they made certain important concessions to the principle of workers' control. Though appointed by the Social Parliament, on the advice of the relevant standing committee, the boards of management were to represent the more obvious interest-groups: one-third were to be selected from among the workers, one-third from the chief administrators, and the remaining third from consumers' groups and the community as a whole. Moreover, the interest-groups themselves were to make the nominations, although the final choice remained with the Social Parliament. In this way the Webbs effected something of a compromise between parliamentary responsibility and workers' control. For basic questions, the Social Parliament, through its standing committees, would have the determining voice in the socialized economy; in the day-to-day problems of management, which after all were in large part the problems in which labor was primarily interested, the workers could look to their representatives for the protection of their interests.[13] If this proposal envisaged something less than complete workers' control, it certainly provided for a good deal more of it than Fabianism had earlier been prepared to allow.

Yet even these proposals of the Webbs were but momentary deviations in the long-run trend away from syndicalism. The Labor party was to become more Fabian rather than less so; it was moving toward parliamentary socialism, not away from it. Only the powerful pressure of the trade union movement in the party kept the issue of worker-control alive once it had lost its appeal to the intellectuals. Nevertheless, a decade after Guild Socialism had taken its place in the graveyard of political ideas alongside the syndicalist pamphleteer of a century before, certain trade unionists were to win a hollow and meaningless victory over the parliamentary socialists in the Labor party—a victory that only confirmed the complete defeat of the syndicalist ideal.

[13] See Chap. III for these details.

II. THE CONFLICT IN THE LABOR PARTY: 1932-1935

The British Trades Union Congress assembled at Newcastle-on-Tyne in 1932 in the midst of a world-wide collapse of capitalism; unemployment was almost universal, discontent was rife, reaction and revolution were mobilizing for conflict. To some of those at Newcastle, the expectation of a socialist commonwealth must have appeared less illusory than ever before.

For years the standing orders of the Trades Union Congress had provided that "the General Council shall endeavour to establish . . . public ownership and control of natural resources and of services with proper provision for the adequate participation of the workers in the control and management of public services and industries.[14] This injunction might well have been dismissed as little more than a part of the ritualism customary in the trade union movement, or as a kind of epitaph on the tombstone of the syndicalist dream. At the Newcastle meeting in 1932, the report of the General Council of the Trades Union Congress included recommendations by its Economic Committee on socialization of industry. These recommendations not only urged use of the public corporation rather than the government department in managing socialized industries, but provided further that "in the all-important question of the appointment of the Boards that manage such undertakings . . . the personnel shall be appointed by the Government. While the members may be drawn from different classes of the community (*e.g.*, Labor, Business, Administration, etc.), particular interests should not nominate members but should rather be represented on Advisory or Consultative Boards." Even in the case of these Advisory Boards, the crumbs tossed to the workers were to be shared with consumers and other interests. "Whether these Advisory or Consultative Boards," the report went on, "should be set up in all cases depends upon the nature of the undertaking. In most cases they will probably be necessary to represent the interests of consumers, Trade Unions, etc."[15]

This report precipitated a three-year controversy that was necessarily carried into the Labor party itself. The proposal to reduce the rôle of trade unions in socialized industries to a merely ad-

[14] See, *e.g.*, TUC Standing Orders, Appendix B, *64th Annual Report of the Trades Union Congress* (London, 1932), p. 450.

[15] *64th Annual Report* (1932), p. 210.

visory one, shared with other groups, met such strong opposition that the General Council agreed to withdraw the report pending further discussions among constituent unions, and to await the outcome of the Labor party conference a month later. At the ensuing conference, the National Executive submitted proposals for the national planning of transport and electricity supply. Both provided that the governing board should be appointed by the responsible minister on "appropriate grounds of ability"[16]—in direct contradiction to the concept of worker participation in the control and management of socialized enterprises. H. E. Clay, of the Transport and General Workers' Union, at that time a stubborn advocate of workers' control, moved an amendment providing for appointment by the minister "only after consultation with the Trade Unions having members employed in the industry."[17] Speaking for the Executive Committee, Herbert Morrison agreed that the report should be taken back, and that in consultation with the Trades Union Congress, an agreement on workers' control would be secured. The Conference agreed to this procedure.[18]

The results of the meetings between the Executive Committee of the Labor party and the General Council of the Trades Union Congress were embodied in a memorandum submitted to both annual conferences the following year. The memorandum pointed to the difficulties of workers' control, but ended by agreeing to it in an attenuated form. In the settlement of wages, hours, and working conditions, the principle of negotiation between the socialized "employer" and the trade unions was, together with the right to strike, to be fully maintained. The "day-to-day administration of the concern" was, however, not to be within the control of the trade unions; administration, the memorandum stated, "is quickly becoming a profession, and the persons undertaking this work will have to be trained business administrators." Finally, at the top level, a concession to workers' control was made. "Over and above the day-to-day administration there must necessarily be a Board of Management and Control, and this Board must consist of competent and suitable persons. Organized labor claims for trade unions in the industry *the right to nominate persons for appointment* to such a Board. This claim of organized labor that it shall have its place in the control and direction of publicly-owned industries is accepted. *It is agreed that in order to give effect to this object there*

[16] *Report of the 32nd Annual Conference of the Labour Party* (1932), p. 211.
[17] *Ibid.*, pp. 214, 215. [18] *Ibid.*, pp. 223–224.

shall be consultation between the responsible Minister and the Trade Unions concerned."[19]

The anti-climactical final sentence was far from satisfactory to some of the trade unionists in the TUC and the Labor party. At the 1933 meeting of the TUC, Mr. Charles Dukes, spokesman of the General and Municipal Workers, moved a resolution claiming *as a statutory right* that fifty per cent of the representatives on managerial committees be workers' nominees; though his proposal was defeated, the margin of victory (1.4 million votes to 1 million) indicated strong trade union support for his position.[20] A somewhat similar resolution which his union submitted to the ensuing Labor Party Conference omitted any specific percentages, but insisted that the right "to an effective share in the control and direction of socialized industries" should be *acknowledged by law*, and instructed the Executive Committee to prepare plans for socializing industry on the basis of "direct representation through Trade Unions" on the managing boards. This resolution was carried by a small majority.[21]

It now became clear that the TUC and the Labor party had, in effect, adopted differing positions on the subject of workers' control; yet all that apparently distinguished the two positions was the question of whether the right of the workers to be represented should be guaranteed by law. A report on the Socialization of the Iron and Steel Industry, prepared by the Economic Committee and submitted by the General Council to the TUC in 1934, represented a slight change from the TUC-Labor party memorandum of the previous year. The Board of Management was to consist of about ten persons, all appointed by the president of the Board of Trade "on the ground of their competence to conduct the affairs of the industry." For each large division of the industry, a Sectional Board would also be created; the members of this board were likewise to be appointed by the minister. However, "the Trade

[19] *65th Annual Report of the TUC* (1933), p. 210, and *33rd Annual Report of the Labour Party* (1933), p. 14. My italics.

[20] *65th Annual Report*, pp. 370–379. Mr. Dukes has since become president of the Trades Union Congress and no longer asserts a claim to direct worker representation. See his illuminating discussion of the new functions of trade unions under a socialist government in the *Annual Report of the 78th Trades Union Congress*, Oct. 21, 1946.

[21] *33rd Annual Report*, pp. 204–210. My italics. It is worth noting that Ernest Bevin, of the Transport and General Workers Union—the organization which had sponsored the amendment the previous year—now supported the Executive Committee and voted against the resolution (p. 208).

Union should be consulted in regard to appointments on these Boards and on the Central Board of the Corporation." And what was perhaps more significant, there were specific provisions for *nominations* to the sectional boards; in each workshop there was to be a works-council with the right to nominate from among its number some members to serve on the sectional boards.[22] These proposals precipitated no extended discussion, but the General Council was instructed to work out again a common agreement with the Labor party on worker control.[23]

At the Labor Party Conference a month later, the issue was once more thrust to the front by a new statement of Labor party policy, prepared by the National Executive Committee under the title "For Socialism and Peace," and submitted for discussion purposes to affiliated organizations. The Executive Committee's draft contained a general provision for workers' representation; the report asserted that "The Labour Party . . . believes that the employees in a socialized industry have a right, which should be acknowledged by law, to an effective share in the control and direction of the industry." But the report provided no specific implementation of this principle in its proposals for transport, electricity supply, coal, and iron and steel.[24] After a short debate, the Conference decided to leave the matter to a joint committee of the Labor party and the TUC.[25] At a subsequent meeting of the TUC Economic Committee and the Policy Committee of the Labor party, it was discovered that the only real point at issue was whether the right of the workers' organizations to be represented on the governing boards should be secured by statute. It was agreed that this right should be provided for by law; accordingly, the final version of "For Socialism and Peace" appeared with the specific provision that the boards of the various nationalized industries "would include representatives of the workers of the industry."[26]

Thus an end came to the debate, and evidence of concern over workers' control disappeared from the annual meetings of the TUC and the Labor party. In 1935, Clement Attlee wrote that

[22] *66th Annual Report of the TUC*, 1934, pp. 203–205.

[23] *Ibid.*, pp. 371–373.

[24] *For Socialism and Peace* [preliminary draft, July] (London, 1934), pp. 12–17.

[25] *Report of the 34th Annual Conference* (1934), pp. 183–184. See also pp. 201–202.

[26] See the statements in *67th Annual Report of the TUC* (1935), p. 211, and *Report of the 35th Annual Conference of the Labour Party* (1935), p. 18. See also *For Socialism and Peace* (December, 1934), pp. 15, 18.

"workers' control is . . . an essential part of the new order."[27] The "syndicalists" in the trade union movement had gained their point.

But what, in fact, had they won? The victory for "workers' control" amounted to no more that this: A minister in a socialized industry ought to be required by law to consult with the trade unions in appointing to the boards an unspecified number of members who would, in any case, be responsible only to the minister.

And yet the arguments ranged far beyond the narrow implications of this small proposal. For the most part, they were carried on at that high level of consideration which a discussion of basic policy all too rarely achieves. The debates indicate that the *form* in which workers' control would be expressed was sometimes an astonishingly vague concept in the minds of all those who rose up to attack or defend the *principle*. Fundamentally, it was the principle and not the form that was debated. The arguments reveal with sharp clarity, therefore, the inherent conflict between those to whom socialism is a means of economic planning and those to whom it is a means for reconstructing the position and function of the workingman in industrial society.

III. THE ARGUMENTS

Perhaps the most effective argument put forward against workers' control during the course of the debate was that control of a nationalized industry by its workers would destroy ministerial responsibility and parliamentary supremacy. If the minister could not appoint the board on grounds of ability and make it accountable to him, it was argued, he could not be responsible to Parliament for the efficient operation of the industry. Indeed, the location of responsibility anywhere at all would be very difficult; if an industry were badly run and Parliament wished to put an end to incompetency, it would have no one to blame or remove. Since a part of the board would be accountable, not to the minister but to the trade unions, the minister could scarcely be held responsible for the conduct of an industry over which he had no final control. But since only the trade unions and not Parliament could remove the workers' representatives if they were at fault, Parliament could only fume and wait. The danger would be mitigated if the workers' representatives were a minority on the board, and thus capable of

[27] *The Will and the Way to Socialism* (London, 1935), p. 109. See also pp. 67, 71.

being overruled by the minister's appointees; in this case, continued mismanagement could be laid at the door of the responsible minister. But, it was said, if the workers' delegates were a minority, they would be unable to exercise any real control; and within a year, as Herbert Morrison argued, they would be regarded by the rank and file as men who have "gone over to the boss-class and cannot be trusted any more."

It was likewise argued that the most important immediate goal of socialism was success; if socialized industry should prove to be inefficient, socialism would be permanently discredited. Ability, then, and not representation of interests, should be the criterion for appointments. Or, as Cole put it, "We cannot afford to risk failure and confusion by trying to be too 'democratic' at the very start."

It was contended, moreover, that many unions have no real desire for a share in control; if they were to accept partial responsibility for management, they would lose much of their freedom to bargain with management. A trade union cannot serve two masters, and if it is to be interested both in successful management and in the struggle against management for better conditions, it would often be seriously compromised in trying to fulfill both functions. The trade union delegates, it was also argued, would slowly lose contact with the rank and file, and after several years would be more indoctrinated with the duties of management than with the duties of the trade union offensive. G. D. H. Cole, by now apostate to his earlier Guild Socialist convictions, even denied that workers had any real interest in industrial self-government; their real desire was to be relieved as much as possible of any worry about jobs that were, in the last analysis, highly distasteful. They were interested in works councils in their plants and collective bargaining for better conditions, but to expect them to be interested in the general problems of management was hopelessly to idealize the status of the worker in a machine society.

It was also frequently argued that the representation of labor on governing boards would only open the door to the demands of other interests for representation; soon an industry would be run by a haphazard collection of interest-groups, struggling among themselves and bringing chaos into the production process. Even within labor itself, conflict would be intensified rather than diminished, since unavoidably some important trade unions in related industries would be refused representation. All in all, workers'

control would, its opponents felt, bring more new difficulties to industrial management than solutions to old ones.[28]

On the other side, equally vigorous arguments were presented in behalf of workers' control. Socialism, it was felt, must be more than a change in legal relationships; it must do more than exchange one employer for another; if it were to satisfy deep-growing aspirations for democracy, it must give the worker a measure of control over his economic life. As one trade unionist put it during the Labor party debates in 1933: "The workers are looking for something more from the Labor party than so many shillings extra in the pay envelope on a Saturday. They are looking for an opportunity, through the policies that this party stands for, for an added dignity, for an added status, for an added opportunity of a fuller and broader life." Or, as a trade union leader argued in 1932: "The workers are workers, and [without workers' control] you doom them to remain hewers of wood and drawers of water under the perpetual control of their bosses." Substitution of bureaucratic management for capitalist management would fail, it was said, to provide the economic self-government that is the promise of socialism.

Perhaps the most specifically syndicalist argument was that the Labor party might not always remain in power, and if bureaucratic control over industry were to fall into the hands of an anti-trade union government, untold harm might come to the workers. Partial insurance against this danger should be provided through union representation on the governing boards. And even under a Labor government the tendency of the minister to rely for his appointments on the advice of others, chiefly his civil servants, might well lead to unfair selections. What is more, whether chosen on the basis of interests or not, men on the governing boards would, it was said, unconsciously represent the point of view of the group in which they had obtained their experience; and since in many cases selection solely on the basis of ability would leave the old manage-

[28] For these arguments against workers' control, see the *Report of the Thirty-Second Annual Conference of the Labor Party* (1932), pp. 212–214, 221–223; the *Thirty-Third Annual Conference* (1933), p. 208; *Labour Party Policy Report No. 3* (1932), p. 14; Herbert Morrison, *Socialization and Transport* (London, 1933), Chaps. 10–13, esp. pp. 171–173, 191, 225–226; G. D. H. Cole, "Socialist Control of Industry," in *Problems of a Socialist Government* (London, 1933), p. 182; *ibid.*, *The Next Ten Years in British Social and Economic Policy* (London, 1929), Chaps. 7 and 8, esp. pp. 161, 167; and A. L. Rowse, "Industry in the Transition to Socialism," in *Where Stands Socialism Today?* (London, 1933), pp. 122 *et seq.*

ment in office, after returning a socialist government the workers might find themselves fighting against the very veiwpoint they had hoped to destroy.

It was not to be assumed, however, that the workers could not produce the ability necessary to run an industry; if efficiency were desired, there was good reason to suppose that the men who had spent most of their lives in the factories would be as able managers as any other ministerial appointees. At any rate, the task of the board would be primarily one of control rather than of management; it would be concerned more with laying down policies than with the details of management, since for the latter task any number of able men could be recruited.

As for the argument that admission of the workers would be a springboard for innumerable other interests, it was held that the interests of an industry's workers were so obviously predominant over those of other groups that further interest-representation could be flatly rejected.[29]

IV. THE ALTERNATIVES

If these debates proved nothing else, they at least demonstrated beyond doubt the vast fuzzy-mindedness surrounding the form that worker-control was to take. The idea of worker-control has a number of potential meanings, several of which were often fused in the conflict over abstract principle.

In essence, the problem is this: An individual or several individuals must be held finally responsible for the operation of a socialized industry. How shall such persons be appointed, to whom shall they be responsible, and in what way can responsibility be enforced? Obviously, the possible combinations and permutations are many. We shall concern ourselves only with the four most important and most popular alternatives:

(1) *Full workers' control.* The board members (as we shall for convenience call the responsible authorities) are appointed by and are responsible to the workers in the industry. This is a form of "pure" syndicalism. Such a version of worker-control was widely

[29] For these arguments in favor of workers' control, see the *Report of the Thirty-Second Annual Conference of the Labour Party* (1932), p. 215, 219; the *Thirty-Third Annual Conference* (1933), pp. 206–207; Trades Union Congress, *64th Annual Report* (1932), p. 380, and *65th Annual Report* (1933), pp. 373, 376; and see Harold Clay, "Workers' Control," in *Problems of a Socialist Government, op. cit.*, p. 216; also G. D. H. Cole and W. Mellor, *Workers' Control and Self-Government in Industry* (London, 1933).

attempted in Russian industry during the first months after the Revolution and, by the consensus of Communist and non-Communist critics, resulted in a complete breakdown in production. The economy virtually disintegrated under the shattering effect of undisciplined and unskilled worker supervision, and the absence of any means for coördinating the locally controlled economy.[30] Although the Russian experience need not be taken as inherently characteristic of full-fledged workers' control, it emphasizes the difficulties of reconciling planning from above with complete control from below by the workers.

(2) *Interest-group control.* The board represents the "dominant interests" in the community, including the workers. This was the plan of a number of German and Austrian social democrats. Otto Bauer, for example, proposed that socialized industries be governed by tripartite boards representing and chosen by employees, consumer, and the state.[31] More recently, certain French socialists have revived the idea. M. Jules Moch, representing the Socialist group in the Consultative Assembly, argued in 1944 that socialization implied the creation of autonomous sectors of the economy administered by delegates from workers and employees, and from the technicians, in addition to "representatives of the general interest." Recent French nationalization measures have not, however, included interest-group autonomy of this kind.[32]

[30] For Lenin's criticisms, see *The Immediate Tasks of the Soviet Government* (March–April, 1918), in *Selected Works* (N. Y., no date), Vol. VII; *Report of the Central Committee at the Eighth Party Congress* (Mar. 18, 1919), *ibid.*, Vol. VIII, pp. 34–37; *"Left Wing" Childishness and Petty Bourgeois Mentality*, *ibid.*, Vol. VII, pp. 374–375. See also Maurice Dobb, *Russian Economic Development Since the Revolution* (2nd ed., London, 1929), pp. 44–46.

[31] *Der Weg Zum Sozialismus* (Vienna, 1921), pp. 10–11. See also Karl Kautsky, *The Labour Revolution* (New York, 1925), pp. 203–204. See the suggestive proposals for applying interest-group representation to capitalist industry in Otto Neurath, *Wesen und Weg Zur Sozialialisierung* (Munich, 1919), and Heinrich Strobel, *Socialisation in Theory and Practice* (London, 1922), Chap. 6. For recent Austrian proposals, see *New York Times*, Dec. 8, 1946, sec. I, 35: 3.

[32] See *Les Nationalisations en France*, Notes Documentaires et Études, No. 182, Série Francaise XLVI, Ministère de l'Information, Nov. 17, 1945, p. 29, for M. Moch's remarks. "Je le dis tout net," he said. "Pour nous, les socialisations comportent la disparition de la propriété privée, mais aussi l'absence de toute participation du capital privé à la gestion de l'entreprise, l'administration général des secteurs ainsi rendus autonomes par des délégués des ouvriers et des employés d'une part, des techniciens de l'autre, des représentants de l'intérêt général enfin, à l'exclusion de tous autres, ..." See the Socialist proposals for the coal industry, p. 30. A central council for coal with a complex representation of the general interest, the management, and the workers, would be collectively responsible to the government;

This proposal raises the essential problem of full workers' control: how to reconcile planning with a measure of industrial autonomy. An additional difficulty stems from the potential conflict among the various interest groups represented on the boards of management and the threat of resulting stalemate.[33]

(3) *Labor representation.* Members of the board are nominated by the workers (or by the trade unions), but the government *selects* the appointees from among these nominees; board members are responsible to the government and not to the trade unions. It was, presumably, to this position that the Labor party committed itself in 1935. But what does this kind of representation mean in practice?

(a) Are the labor nominees to constitute the entire board, or only a part of it? If the latter, what part? In the Labor party, it was clearly assumed that worker representatives would not constitute the whole of the board, but only some unspecified part of it; presumably the size of that part was to be left to ministerial discretion.

(b) Are the appointees from among the workers in some sense to represent *the interests of labor*, or rather are they to represent the interests of the community as a whole? Are they, that is to say, to regard themselves as spokesmen for the employees and laborers in the industry wherever the interests of those groups are concerned? Or are they, like the other members, to dissociate themselves from their trade union background and consider the interests of the entire community? It is not possible to say from the TUC and Labor party debates, or from their decisions, what was intended on this point.

(c) Are the workers to be represented at all levels of management, at the top level only, at the regional or divisional levels only, or, still again, at the shop and factory level only? This question the Labor party likewise left largely unanswered. One may infer from certain of the specific socialization proposals and the 1933 TUC-Labor party agreement that representation was to exist at the level of the board and the sectional boards; but control at the workshop, mine, or factory was to be in the hands of professional managers responsible only to their superiors.

(d) To whom is the board responsible? In general, the alternatives are

in case of conflict, the minister could appoint a new council and even, with the consent of Parliament, suppress it altogether. Compare this with the system of appointive managers and consultative councils actually provided in the nationalization laws, pp. 9–14.

[33] See the comments of Marshall Dimock on German "mixed enterprises," where both government and private owners were represented on boards of management, in "Public Corporations and Business Enterprise," *Public Administration*, Vol.14, p. 424 (1936).

two: responsibility directly to the legislative body, or responsibility to a minister who in turn is held responsible by the legislature. In keeping with the doctrine of cabinet responsibility, the latter alternative was unequivocally adopted by the Labor party.

(4) *No representation of interests.* The members of the board are appointed exclusively on the basis of ability and competence, represent no interests, and are responsible solely to the government (or minister). This solution does not preclude the use of advisory boards representing various interest-groups, including the workers, nor the maintenance and extension of trade-union functions. This latter course was the one actually adopted by the Labor government when it came into power.

V. THE LABOR PARTY IN POWER

From 1935 to 1943, the principle of workers' representation was largely accepted within the Labor party. Nationalization proposals by the party and by men like G. D. H. Cole included provisions for the representation of workers on the boards of management—without, however, clarifying the questions surrounding their status that have been pointed out above. Herbert Morrison, to be sure, maintained his unswerving opposition to the principle: even his proposals for transport, embodied in an official Labor party pamphlet in 1937, made no specific allowance for labor representation on the National Transport Board.[34] In the Labor party, Morrison is the kind of exception that becomes the rule.

The first important break in official policy did not occur until 1944, when the General Council of the TUC issued an *Interim Report on Post-War Reconstruction*, a document representing the joint efforts of the Labor party executive and the Economic Committee of the TUC.[35] This report is a highly significant contribution to the development of British socialist ideas; and its clarification of the suggested status of workers in socialized industries is a monument to the victory of Fabianism over syndicalism.

The report is too lengthy for adequate summary here. Briefly, it proposed worker participation in the regulation of *private* industry and opposed it for *public* industry. At the workshop level in socialized industries, normal trade union functions, including the negoti-

[34] *British Transport at Britain's Service* (London, 1938), pp. 9–10.

[35] For the full report, see the *76th Annual Report of the Trades Union Congress* (London, 1944), Appendix D, p. 393 et seq.

ation of wages and working conditions, were to be preserved; in addition, works councils, representing both "management" and labor, were to be established "for regular consultation on all internal matters not coming within the scope of the ordinary negotiating machinery."[36] The responsibility of actual management was, however, to rest with full-time professional administrators personally accountable to their superiors and selected solely on the basis of technical and administrative competence. At the highest level, members of the board of management for the nationalized industry were to be selected solely on the basis of "their competence efficiently to administer the industry," and this board would be accountable to the public through a minister responsible to Parliament. Representation of workers was thus clearly rejected. The report added, however, that "experience gained in the collective organization of labor is a strong qualification" for membership on the board because of the managerial competence it engendered; "in the interest of the efficiency of the industry itself, therefore . . . it appears important to secure that there shall be on the governing body people who, though in no way accountable to any other interest than the public for their decisions, shall ensure that the views of the industry's workers on its management receive full consideration." The selection of such members, the report suggested, might best be secured if the TUC, after consulting with the appropriate unions, were to present a list of candidates from whom the minister could select a number of the board members. Any such appointees "should surrender any position held in, or any formal responsibility to, the Trade Union." The report did not urge that such appointments be required by law.

Since the reasons for rejecting workers' control or workers' representation doubtless constitute the mature opinion of the British trade union and socialist movement, they are worth summarizing here: (1) The trade unions must maintain their complete independence to perform their basic function of representing the workers' interests. This independence would be compromised if their representatives were on the board of control. (2) "Members of the governing body cannot at the same time answer to the workers of an industry as their representatives and bear responsibility to the minister for its administration. To attempt to lay such a double duty on them may well result in making the governing body in a

[36] P. 412.

sense a negotiating committee, in which the workers' representative will be in an ambiguous position." (3) Parliamant, representing the community in general, must have ultimate control over policy, secured through a responsible minister and a board accountable to the minister.[37] At the 1944 Trades Union Congress at Blackpool, the *Interim Report on Post-War Reconstruction* was adopted with virtually no debate.[38]

The significance of this shift in socialist policy was somewhat obscured at the Labor party conference a few months later by adoption of a resolution containing the customary ritualistic phraseology on representation of the workers in socialized industries.[39] In April, 1945, however, the National Executive Committee of the party drafted a declaration of policy for the coming general election that spoke in general terms and contained no mention of worker control.[40] At the Labor Party Conference in May, a resolution was proposed demanding the "democratic control and operation of nationalized institutions by the workers and technicians." Mr. Emanuel Shinwell, speaking for the National Executive, replied: "The Mine-workers' Union, ourselves, and the TUC are now engaged on a meticulous and practical examination of the whole subject of nationally owned industrial administration. We want to present the first Labor Minister of Fuel and Power with a practical scheme that he can carry out. In considering this matter, we have had to deal with the workers' right to participate in industry. Of course, workers have a right to participate in industry. So have technicians. But as to the form of participation, that is a matter that has to be worked out." On these assurances, the resolution was withdrawn.[41]

What, then, was the form of participation that developed after Labor's victory in the general election? It was perhaps too much to expect that the bill for nationalizing the Bank of England should provide for employee representation, and it did not.[42] Nationalization of the coal industry was quite another thing, for here the con-

[37] For these points, see paragraphs 99–101, p. 411.

[38] See the discussion, pp. 289–303.

[39] *Forty-Third Annual Conference of the Labour Party* (London, 1944), pp. 163, 168. See also the party's nationalization proposals in *Coal and Power* (London, 1944), and in *The Post-War Organization of British Transport* (London, 1944).

[40] *Let Us Face the Future* (London, 1945).

[41] *Report of the Forty-Fourth Annual Conference*, pp. 134–138.

[42] See Clause 2 [2] and the Second Schedule (Supplemental Provisions as to Court of Directors), Bank of England Bill, 9 and 10 Geo. 6.

cept of "the mines for the miners" had been strong, and as a result the promise of a complete reconstruction of the coal-miner's life had long been a basic part of the Labor party program. But in the quarter-century since Guild Socialism had reached its peak, a full cycle had been run. And when the Labor Minister for Fuel and Power, Mr. Shinwell, rose in the House of Commons on January 29, 1946, to move the second reading of the Coal Industry Nationalization Bill, he was to pay his last respects to the memory of workers' control.

The bill provided that "the Chairman and other members of the Board [i.e., the National Coal Board] shall be appointed by the Minister of Fuel and Power from among persons appearing to him to be qualified as having had experience of, and having shown capacity in, industrial, commercial or financial matters, applied science, administration, or the organisation of workers" (Clause 2 [3]). The bill also imposed on the Board the duty of consulting with the trade unions to establish machinery for settlement of labor disputes and consultation on "questions relating to the safety, health, or welfare" of employees and "other matters of mutual interest" (Clause 42). No provision was made for worker representation on the National Coal Board; or for consultation by the minister with the trade unions in selecting representatives on the board.

"I have not provided in the Bill," Mr. Shinwell said, "for statutory consultations with the workers employed in the industry. Such consultation is certain, and statutory provision is superfluous. It would, indeed, have been extremely difficult to provide for statutory consultation with all the different bodies who represent the workers in the varied and far-reaching activities which would be carried out by the Board. But consultation with the workmen's representatives is inevitable, if the Board is to achieve that degree of coöperation which is essential for its success. The Board must provide for the continuance and stability of pit production committees, and for consultation on all those matters which concern the personnel of the industry, for example, where concentration is necessary, or in the case of transfer and resettlement of mine-workers. So long as human nature remains what it is, there will always be the possibility of disputes, but we shall seek the fullest coöperation in order to produce a more amiable spirit so that the existing conciliation machinery will be effective."

"I envisage," he said later, "a form of regional organisation somewhat on the lines of the National Coal Board itself. This would mean that those responsible for supervising the regions must possess qualifications similar

to those of the members of the National Coal Board, that is to say, administrative, technical, financial, commercial, and a knowledge of the organisation of workers. It is also obvious that success cannot be achieved unless the knowledge possessed by the workers and the technicians is fully utilised at every stage in the pits, the groups, and the regions."[43]

Subsequently the government appointed to the eight-man National Coal Board Sir Walter Citrine, general secretary of the TUC, and Mr. Ebby Edwards, general secretary of the National Mineworkers.[44] Clearly, Sir Walter and Mr. Edwards, given their backgrounds and loyalties, may be expected to emphasize the interests of the industry's workers; but they are no more to be regarded as *representative* of the workers than Lord Hyndley, the chairman, may be considered a representative of industry.

At the Labor Party Conference in June, 1946, a resolution was proposed urging that in nationalized industries, "direction shall not be left with those who were previously in control;" it demanded that the structure of nationalized industries be reorganized to provide full opportunity for promotion and technical education, high standards of working conditions, and the extensive use of workers' advisory committees. It concluded with the injunction that "economic democracy be put into practice in nationalised industries in all other ways."[45] The resolution was accepted by Mr. Shinwell with a statement of "the p ıciples which must guide us in the task of administering the sche es of nationalisation." "The first," he said, "is that we must employ the best men for the job. . . .The second is that those whom we seek to employ in the task of administering nationalisation schemes must, whatever their general political color, accept implicitly the policy which they are to apply. The third is that on all matters of mutual interest the workers' organisations must be consulted."[46] There was no contention on either side that "economic democracy" included workers' control or representation. The resolution was carried.

The provisions for the British Transport Commission in the more recent bill for nationalization of inland transport, laid before the House of Commons on November 27, follow closely those outlined

[43] 418 *Official Report* (Hansard), 712, 714 (Jan. 29, 1946).

[44] *Labour and Industry in Britain*, Vol. IV, No. 4 (Apr., 1946), p. 56.

[45] *Report of the Forty-Fifth Annual Conference* (1946), p. 144.

[46] *Ibid.*, pp. 145–146. For a more recent explicit rejection of workers' control, see report of the speech by Sir Stafford Cripps in *New York Times*, Oct. 28, 1946, 2: 6.

in the earlier mines measure.[47] The pattern of control in nationalized industries has been established. It is unlikely, except in a few special cases, that there will be much deviation from it.

VI. CONCLUSION

In the debate over the National Health Insurance Bill, Mr. Aneurin Bevan, the Minister of Health, summed up a generation of development in socialist thought when he said:

"I have never believed that the demands of a democracy are necessarily satisfied merely by the opportunity of putting a cross against someone's name every four or five years. I believe that democracy exists in the active participation in administration and policy. Therefore, I believe that it is a wise thing to give the doctors full participation in the administration of their own profession. *They must, of course, necessarily be subordinated to secular control—we do not want the opposite danger of syndicates. Therefore, the communal interests must always be safeguarded in administration.*"[48]

Socialist thought, we said at the beginning of this essay, has contained two potentially contradictory concepts of the means for controlling economic enterprises in a socialist economy. The Labor party has been unable to resolve this contradiction, despite its lengthy attempt to do so. The Labor government has, therefore chosen to centralize responsibility for the making of economic policy in the cabinet rather than to decentralize this responsibility to workers' representatives. What is the significance of this choice?

1. Narrowly interpreted, the Labor government's choice represents a further triumph for the traditional political institutions of British parliamentary democracy. The supremacy of Parliament remains intact; that ancient legislature does not share its ultimate control over economic policy with other public or private institutions. The doctrine of ministerial responsibility remains unimpaired; the minister has the penultimate responsibility for the operation of a socialized industry. He is accountable to his fellow

[47] See the Transport Bill, 10 Geo. 6 (Bill 12), esp. paragraphs 1, 4, and 99. And see the debates in 431 House of Commons Official Report (Hansard), nos. 25, 26, 27 (Dec. 16–18, 1946).

[48] 422 Official Reports (Hansard), 51 (Apr. 30, 1946). My italics. It is worth noting that under the National Health Service Bill which Mr. Bevan was presenting for the Labor government, dentists, doctors, and chemists would have half the representatives on the local health executive. This local board would be under the supervision of regional boards chosen by the minister and not representative of any interests. Introduction of interest-group representation at the local level in the health plan is undoubtedly a special case, resulting from the peculiar problem of securing intelligent supervision of the medical profession. It does not imply the acceptance of the idea of workers, control or worker representation in general.

ministers and to Parliament for his conduct. As Mr. Shinwell said during the debates over coal nationalization:

"The Minister is empowered by the Bill to give to the Board directions of a general character in relation to matters which appear to him to affect the national interest. This is essential because the Minister is answerable to Parliament and, therefore, to the public, and while not interfering in the everyday administration of the industry, he must satisfy himself that their policy conforms to general government policy for which Parliament may hold him responsible. The criticism that the powers conferred on the Minister are excessive will not stand scrutiny. No Minister could come before Parliament in these days, and for this particular industry, and propose that a board should be set up to run the industry free of all responsibility to Parliament, or to the Government, who are heavily involved financially."[49]

2. In a broader sense, the Labor government's position represents a victory of community over interest group. Parliament is the sole national majoritarian institution in Britain. It is the only institution capable of speaking for the majority of the community rather than for some segment of it. In fixing policy for nationalized industries, the boards of control and the minister must consider the interests of the entire community, at least as these interests are reflected in the politics of majoritarian democracy. Whatever may be the outcome of the inevitable imperfections of representative government, in its legal and constitutional arrangements the Labor government has attempted to secure the supremacy of the community over any special segment of the community.

3. The Labor government's choice is an inevitable result of a changing emphasis in British socialism. The major goal of the Labor party, it is possible to suggest, is not socialism in the traditional sense, but a planned economy. Socialism is a technique for planning, not an end in itself.

"Nationalisation, socialisation, public ownership, are not ends in themselves," Herbert Morrison remarked during the course of the debate over the coal mines; "and the Socialist who imagines that is all that he has got to think about would not need to have a big brain to think about that . . . As I have said, socialisation is not an end in itself. The object is to make possible organisation of a more efficient industry, rendering more public service, and because of its efficiency and increased productivity enabled to do progressively better for its workers."[50]

[49] 418 *Official Report* (Hansard) 707 (Jan. 29, 1946).
[50] 418 *Official Report* (Hansard) 969 (Jan. 30, 1946).

In an interdependent economy and a highly integrated society, economic autonomy, such as that envisaged in workers' control and similar plans for industrial self-government, may imperil the over-all plan. No government committed to a planned economy is likely, therefore, to concede economic autonomy in strategic sectors of the economic system. Industrialization has brought interdependence; interdependence has created a world-wide secular trend away from economic autonomy within the boundaries of the nation-state. Guild Socialism was a revolt and a protest against this development; in this sense, it was technologically an obsolete doctrine at the time of its formulation. Fabian doctrine rested on the assumption of interdependence. It was perhaps inevitable, then, that the Fabian view should prevail over the Guild view in the Labor party.

4. The choice of the Labor party leaves unsolved a major problem of the industrial age: the status of the worker. Is the pyschological nexus between the industrial worker and his production, broken by modern industrialism, to remain forever shattered? Is there no way of providing the workingman with new status, new dignity, and what is perhaps most crucial, new responsibility, without destroying the ultimate supremacy of community needs? Socialists have generally implied that the subordinate rôle of the worker in the industrial process is inherent in capitalism. Actually, as the actions of the Labor government demonstrate, the subordinate status of the worker is not a product of any particular form of industrial ownership; the worker's status is inherent in industrial technology and an interdependent economy. If its economic goals are attained, a planned economy may increase the worker's well-being, but a planned economy cannot change his status in the industrial process. Planned socialism may increase the worker's income, his security, his opportunities for education and promotion. But no more than capitalism is it likely to change in any fundamental sense the rôle of the worker in the industrial process. Will the worker ultimately become as discontented with his status under socialism as he is under capitalism? Or will socialism provide him sufficient economic satisfactions to make his status acceptable? Or will British socialists develop methods, such as the widespread use of consultative devices, that will integrate the workingman psychologically into the productive process without weakening the ultimate control of the community over economic policy? On the answers to these questions, it is no exaggeration to say, the prospects of social peace in Western Europe may well depend.

BRITAIN BEGINS TO REBUILD HER CITIES

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During the past few months, many Americans have been preparing verbally to bury Great Britain and her Empire. They seem to consider this the prerogative, if not the duty, of relatives of one who has long fought off various economic and social ills and more recently has suffered a series of bad setbacks.

Without doubt, Britain's economic position is serious. A vigorous, diversified, international trade is essential to maintaining or increasing her prewar standard of living. Before the war, she paid for roughly sixty per cent of her imports by tangible exports of goods and materials of various kinds. The other forty per cent was taken care of by returns on her foreign investments and by shipping, financial, insurance, and other services. The war and its aftermath have cut down alarmingly her foreign exchange from these latter sources and, at the same time, have added to her overseas expenditures to meet financial charges on her war borrowings, to maintain troops, and to meet her share of occupation and rehabilitation costs in other countries.[1]

In short, Britain can maintain the standard of living of most of her population only by increasing her exports substantially above prewar levels. As the sign-boards say: "To fill the shops, we must fill the ships." And this must be done against the handicaps of war losses and damage, labor shortages, loss of many prewar markets, widespread fatigue, a limited diet, and last but not least, obsolete equipment in such basic industries as coal and textiles.

Thoughtful Britons of all parties and shades of opinion realize the grimness of the outlook. Very few of them, however, seem to have had the naive belief that when the shooting was over in the greatest war in history, the domestic economy would soon take up about where it left off except that it would get a strong stimulus from accumulated wartime needs and savings.

Possibly because they had no such illusions, they are now less despondent than many Americans think they should be. Also, the war strengthened their economy in some ways that are not so

[1] See two White Papers: (a) *Statistical Material Presented During the Washington Negotiations* (Cmd. 6707—Dec. 1945—including Appendix VII); (b) *Economic Survey for 1947* (Cmd. 7046—Feb., 1947).

easily seen at a distance. It gave them confidence in their collective strength and intelligence. It made them realize that many of the evils of their prewar system—including the backwardness of their coal industry and the ugly, uneconomic, unhealthful blight in their cities—could be swept away if they set themselves to the job. It stirred them to making plans to accomplish these ends. It gave them courage to start action in accord with these plans as soon as the demands of war allowed.

Last fall and early winter, I spent about seven weeks in England studying at first hand the British program for rebuilding cities and rehousing a large proportion of the urban population. Possibly some part of what I learned then will throw some new light on the general economic and social scene. Besides, we face rather similar problems in housing and city planning. If we will, we can learn from the British experience. Of course this is not to say that we can or should take over the British program as it is. This article can present only an over-all survey; possibly others can add detail and insight as the program goes ahead.

II

The first essential to a fair appraisal of postwar city rebuilding in Britain is to get in proper perspective the extent of bomb damage in her cities. Probably most Americans believe that the German air force presented the British with vast cleared-out areas ready for wholesale rebuilding. Fortunately or unfortunately, this is not so. Official estimates put the number of houses totally destroyed at about 200,000, with a somewhat higher number made entirely unlivable and often unrepairable—say, in round numbers, a total of 500,000 houses.[2] This is about four per cent of Britain's housing supply and a little more than five per cent of her urban houses. (Of course, several times this number were damaged in some way or other—no one knows exactly how many. The larger figures, however, include houses with windows blown out or roof tiles blown off by bomb blast.)

This loss of 500,000 houses is by no means a negligible item in the current shortage. Compared with annual house production, it is sizeable; before the war, British builders and local authorities were putting up about 300,000 to 350,000 houses a year. But the point is that the amount of war destruction did not force Britain

[2] White Paper on *Housing* (Cmd. 6609—Mar., 1945).

into her present frontal attack on urban shortages, crowding, and squalor. She could just as well have limited herself to replacing what was destroyed—on the same sites and at about the same standards. As a matter of fact, that is what the French did after the war of 1914–18.

III

We shall return to this question later. The first queries from most Americans about any housing program these days are bound to be: How is production going? How many houses are being built? How about the supply of building materials?

Here the British record was good and getting better month by month. The December *Housing Return for England and Wales*,[3] showed that since April 1, 1945, more than 275,000 family units had been provided in new construction, conversions, and repair of dwellings so severely damaged as to be unoccupied. And these figures are for completions—not starts. To put these figures in our scale, they should be multiplied by 3.2 to allow for the difference in the populations of the two countries. Besides, roughly 25,000 unoccupied houses had been requisitioned and about 12,000 makeshift units had been provided in service camps and huts. Thus the total of houses provided since the war was about 315,000.

We have no directly comparable figure because more than 105,000 of these dwellings came from repairs to war-damaged buildings. Let me emphasize, however, that these buildings were so badly damaged that they were unoccupied. In Britain today, that means they were in really bad shape. Consequently, work on them has taken a great deal of material and manpower that otherwise could have gone into new construction. Besides these major repair and rebuilding jobs, the official estimate is that during the same period 673,000 damaged but still lived-in houses were repaired.[4]

But to give a very rough comparison, between April, 1945, and the end of 1946 the British built or substantially remade 275,000 houses. For a country the size of ours, a comparable figure would

[3] *Housing Return for England and Wales, 31st December, 1946.* (Cmd. 7019—Jan., 1947).

[4] In judging the recovery in British building, it should not be overlooked that as late as the end of 1946 approximately fifty-seven per cent of those employed in housing were estimated officially to be working on repairs—war damage and other. (*Return, 31st December, 1946*, Cmd. 7019, p. 27).

be almost 900,000 units. Although our figures on the houses actually completed are very weak, our best estimate for the same period is about 700,000, including 82,000 temporary war-houses moved to new locations.[5] In short, to the end of last year Britain had beaten us by twenty-five to thirty per cent in volume of houses produced in the postwar period. And, as we shall see, the British started from scratch; we, from a modest rate of wartime house-building. Besides, we did not have nearly as heavy a drain for necessary minor repairs.

IV

And, believe it or not, about eighty per cent of the houses being produced in Britain are for rent.[6] As a result of government aid, the rentals are low: they match current rents of existing properties, under rent control, in near-by districts Nearly all of these districts are lived in by workingmen, including the lower paid white-collar workers.

Most building material shortages have been beaten or are down for the final count. Only lumber still gives cause for serious concern. Nearly all of it is imported—much of it from Scandinavia. In effect, it is traded for coal, and low coal production in Britain has reduced the lumber supply available for housing. With this one exception, which is less important in Britain than it would be here, delays due to slow deliveries of material early last winter became fewer week by week.

Non-residential construction, although sorely needed in many places, has been kept at a reasonable level for a war-damaged country and has presented no serious threat to the housing program. The non-residential building that is going ahead is nearly all in badly needed commercial, industrial, or community facility projects. The lid has been kept on the promoters of race-tracks and similar undeniably profitable but clearly postponable enterprises. Before the war, about sixty per cent of building workers were employed in non-residential construction; last winter, the figure was about thirty-five per cent.[7]

Temporary housing construction, most of it prefabricated, and wholesale conversions have had their day in court as possible

[5] For 1946 figures, see *Veterans Emergency Housing Program*, Vol. 1, No. 8 (Jan., 1947), p. 5.

[6] For discussion of this, see *Parliamentary Debates—House of Commons* (Hansard), Oct. 21, 1946—particularly pp. 1334–1355.

[7] *Ibid.*, p. 1376, and Dec., 1946, *Housing Return* (Cmd. 7019), p. 27.

major remedies and have been found wanting. Although they continue to supply needed space, the push now is for sound, permanent housing with higher standards of space, equipment, and convenience than were provided in similar dwellings before the war.

And this progress has been made in rather more than a year from practically a standing start. Except for emergency repairs and a scattering of dormitory building for war-workers, the volume of housing construction in Britain from the beginning of the war in 1939 until 1946 was negligible. The official estimate of the number of houses completed from September 1, 1939, to the end of the war is 200,000, most of which were under construction when the war broke out. Counting these, the yearly average is less than 35,000 units. For comparison, before the war approximately 300,000 to 350,000 houses were built per year.[8] When the war ended, British builders, suppliers, and local authorities did not have the half-speed momentum that their American counterparts enjoyed from the National Housing Agency's wartime program that kept the volume of construction, even at its lowest in 1944, approximately twice the low reached during the depression of the early thirties. We started 225,000 houses in 1945—only 50,000 less than the average for the thirties.

V

Even that harassed and often frustrated American, the city planner or planning official, could see much in Britain last winter that would make him rub his eyes and shake his head in wonder. Starting in the middle of the war, practically all of the major cities, as well as many of the metropolitan areas and medium-sized towns, have undertaken thorough economic, populational, and physical studies that are now flowering into comprehensive plans for rebuilding. Most of them can safely be rated as competent; some are truly exciting documents in the hope they hold for a more sensible, pleasant, and humane setting for urban life.

And these are not merely pretty paper plans. From an act of Parliament passed while the war was still on,[9] local governments have powers to acquire wholesale "areas of extensive war damage" and outlying areas needed to rehouse people from badly damaged districts. Their powers allow them to take over these areas at 1939 prices and thus protect the public treasury from the machinations

[8] *Housing* (Cmd. 6609—Mar., 1945), p. 2.

[9] *Town and Country Planning Act, 1944* (7 and 8, Geo. 6, Ch. 47, Nov. 17, 1944).

of the land speculator. Under the 1944 act, the price for owner-occupied properties was the 1939 price plus thirty per cent. This extra percentage has since been doubled, so that the displaced owner is not in too bad a position if he goes into the market for another house.[10] The central government gives some financial assistance to local authorities in acquiring this kind of land. When so acquired, it may be built on by the local authorities or sold or leased for private development, housing or other, that is in accord with the town plan. The local authorities also may prohibit development during the planning process that seems likely to conflict with the final plans or to make them more difficult to carry out.

These plans are not the playthings of the experts and the research workers. The man on the street knows at least something about them. They are clearly important matters in the lives of government officials from the local health officer to members of Parliament, including the ministers of His Majesty's government. They are talked about in many private organizations from labor unions to property-owner associations. Although some British leaders see the need for even more widespread understanding and support and decry their decline since the fighting stopped, the present popular interest seems remarkable to an American observer. Exhibits of planning charts, studies, and recommendations attract thousands in the larger cities. Documentary films, one at least that runs for more than an hour, are shown in commercial movie houses. Stories about public hearings on town plans or on the acquisition of land for larger projects are front page news in both the London and provincial papers.

VI

Almost without exception, the big city plans call for substantial thinning out of population in the central areas.[11] This means, of course, more open space—parks, playgrounds, school yards—more light and air around dwellings, less congestion of living quarters and local traffic. It also creates the problem of what the British call the overspill—the surplus families that will not be rehoused in these rebuilt central districts. In several large cities, this overspill amounts to about one-fourth of the population in the central built-up areas.

[10] Henry W. Wells, *Implementing the Plans—Great Britain* (XVIIIth International Congress for Housing and Town Planning, 1946), p. 4.

[11] See, for example, Forshaw and Abercrombie, *County of London Plan* (Macmillan Co., 1943); Abercrombie, *Greater London Plan, 1944* (His Majesty's Stationery Office, 1945); Nicholas, *City of Manchester Plan* (Jarrold and Sons, 1945).

Where are these families to go? What provision is to be made for them?

In many cities they will be taken care of in new developments at the edges of the municipality. In smaller cities and some of the larger ones, this is an obvious and unobjectionable answer. The thinning out will go on over a period of years; the new building and the necessary transit, school, and other facilities should be able to keep pace without too much trouble. This process, however, raises one major problem when, as so often happens, the overspill will have to be rehoused outside the boundaries of the central city. In these circumstances, as many officials and civic leaders of the larger towns point out in no uncertain terms, the major city has to supply employment, transportation, and many other services for these non-residents while it has to get along without their local tax payments (rates). What can be done about this? Many American city officials would like to know the answer to that one.

The present British answer is to provide means for speeding up the process of adjusting municipal boundaries more nearly to present and prospective population distribution and to the economic realities that it produces. The Churchill government obtained the necessary legislation[12] and Labor appointed the first Local Government Boundary Commission. On its own initiative or upon petition, this agency may hold hearings, make investigations and finally recommendations for moving municipal boundaries or consolidating local-government units. It is charged with considering first those areas where war damage and plans to meet the needs of its victims call for prompt attention. Its recommendations go to the Minister of Health. If and when approved by him, they are laid before Parliament, and when approved there they become effective. The Commission's work, of course, deals with many considerations besides those due to newly adopted town plans and proposed housing development, but these lie at the center of its program.[13]

But rehousing on the outskirts, with or without boundary changes, does not seem to be the right plan for taking care of all the overspill in London and some of the largest provincial cities.

[12] *Local Government (Boundary Commission) Act, 1945* (8 and 9, Geo. 6, Ch. 38).

[13] Statutory Rules and Orders, 1945, No. 1569—*Local Government, England and Wales—Alteration of Areas; Report of the Local Government Boundary Commission for the Year 1946* (His Majesty's Stationery Office). For a critical view of the Commission's powers and methods, see William A. Robson, "Local Government Reform," *The Sunday Times*, Aug. 25, 1946.

London is the best example of the inadequacies of this procedure. In the years just before the war, London grew enormously and mostly by the old method of simple accretion. New residential districts, the product of private builders and local authorities, pushed farther and farther into the countryside. The problems of many urban services, particularly transit and transportation, became almost unsolvable. The British have a name for this unplanned expansion and the problems it produces—the suburban sprawl. Many town-planners and officials have suggested that unless something were done to stop this trend and to remedy some of its by-products, London would suffer seriously from its own growth. Before the war it had shown signs of choking on its own transport and utility troubles. Besides, the suburban sprawl seldom produced really attractive neighborhoods or towns that encouraged a normal community life.

Largely from these facts comes the most drastic and ambitious part of the present town-planning-housing activity in Britain—the New Towns program. An act of Parliament authorizes the Minister of Town and Country Planning to establish government corporations with powers to acquire land for town sites, to lay it out for development, to build housing and other improvements, to lease land for private development, to provide utility and other services, and to transfer them to local authorities.[14] In brief, this is the machinery for a start on the plan for twenty new towns—ten around London and the rest outside the larger provincial centers. They will be cities of about 50,000–60,000—not suburban dormitory developments, but for ordinary, day-to-day purposes self-sufficient communities with industries, retail districts, schools, churches, public services, etc. They will be separated from London proper by a greenbelt. They will be close enough, however, for their residents to go in without any trouble when they wish to see a play or to visit a medical specialist. Their industries will also have the advantage of nearness to the great London market. Every effort will be made to attract to each new town a population with wide ranges of income and background.

This clearly is the kind of program that American planners have often heard talked about eloquently but have never expected to see actually tried out. However, it is going ahead today in Britain.

[14] *New Towns Act* (9 and 10 Geo. 6. Ch. 68—1st August, 1946). See also *Final Report of the New Towns Committee* (Cmd. 6876—July, 1946), *Interim Report* (Cmd. 6759—Mar. 1946), and *Second Interim Report* (Cmd. 6794—Apr., 1946).

By the end of 1946, four new towns were under way—all for the London area. The board of the corporation or an advisory committee to the Minister had been appointed for each. Hearings on the site acquisition for one town had been completed;[15] they were under way on the second.

VII

Also remarkable to an American is the almost total absence in Britain of breast-beating about the housing problems of veterans. Their needs are frankly recognized and often mentioned, but no one, not even the veteran himself, is scrambling about to throw together some special set of tricks to take care of them, even at the expense of other equally needy civilians and their families. Why this difference between the United States and Britain? Partly, no doubt, it is due to the fact that Britain was under attack—some areas, like London, during most of the war. Every citizen is a veteran in one sense, and it becomes easier, therefore, to treat every veteran as a citizen.

Also, the British government and British cities have started a planning and rebuilding program aimed at improving the housing and the urban environment of a very large proportion of their populations. Very few even of its critics would deny that it is well-intentioned—that it has been designed to serve the public interest. Probably no informed person believes that it has been influenced, let alone determined, by the counterparts of our "me-first boys"—those Washington lobbyists who so easily confuse the public interest with quick and easy profits for a few thousand persons in a particular business or occupation.

In these circumstances, the British veteran holds his peace. He sees all around him evidence that the folks at home had a rough

[15] An interesting side-light on the formative days of this program is the court action brought by three local residents to prevent development of Stevenage, the first "new town" in the London area. The action was based largely on the allegation that the Minister of Town and Country Planning, the Rt. Hon. Lewis Silkin, did not act with an open mind in approving, after the required public hearing, the Stevenage New Towns (Designation) Order. Evidence of this charge was largely from a speech Mr. Silkin made in Stevenage before the public hearing was held. Replying to hecklers, he made remarks that were taken to mean that he had already determined to go ahead with the Stevenage development. The court of original jurisdiction, the High Court of Justice, found for the complainants and directed that the order be quashed. On appeal, this finding was reversed by the Court of Appeal, and the House of Lords also upheld the action of the Minister. See digest of final decision, Franklin and Others v. Minister of Town and Country Planning (before Lord Thankerton, Lord Porter, Lord Uthwatt, Lord du Parcq, and Lord Normand), in *The Times*, July 25, 1947, p. 2.

time too. He also sees evidence that the plans and work now underway are aimed at giving him and those he fought for decent housing and pleasant cities. He is willing to give these plans and those responsible for them a fair chance. He knows that a fair chance means more than a few weeks or months.

VIII

But Britain is not a housing-planning Utopia after all. Despite the sweep and courage of the program and the practical start that has been made, plenty of tough problems remain—some of them very tough indeed.

The most common criticism of the British program is that it discriminates against, or at least fails to make the fullest use of, the speculative house-builder. With all building under a licensing or permit system, the Labor government has adopted the policy of granting eighty per cent of the permits to local authorities for what we call public housing—leaving only twenty per cent for private operators. Except under unusual conditions of cost or need, the private builders' share must be put on the market at not more than £1,200–£1,300 in the London area. To the speculative builders and the chief lenders on small mortgages, the building societies (the counterparts of our savings and loan associations), this is outright discrimination and a perverse failure to use all the resources of the country to speed housing construction.

The government meets this criticism head-on. What is needed, say its spokesmen, is rental housing. Many of the families most in need are young—many of them newly-weds. They do not know where they will be a few years from now. Even the established families now in desperate need of housing often face an uncertain future. Very few of those in need wish to buy now. None of them should be forced to buy houses at present inflated prices simply to get a roof over their heads. By and large, the new families and a very large proportion of those bombed out are relatively poor. Their needs should be met before materials and labor go into larger and more elaborate dwellings. Middle-income families in acute need also will be eligible for the houses as they come on the market. Just before the war, private speculative builders did not produce more than fifteen per cent of rental housing in their total output. In the present conditions of high costs, they probably would produce relatively less for rent.

Furthermore, after the last war the British government subsidized private builders as a means of offsetting very high construction costs. It proved a very difficult operation, and often a substantial portion of the subsidy simply was drained off as additional profit by the builders. Say the government spokesmen, we do not intend to repeat that mistake.[16]

As to the accusation that private enterprise, *per se*, is being shoved out of the program, the reply is that practically all of the local-authority housing is being built by private builders—on contract and after competitive bidding. Many of the larger house-builders, who are relatively more important in the British house-building business than in ours, are engaged in this work. Probably they are not making as much money as they would in building for sale in a desperately tight market; but they are being used. According to this argument, therefore, the question is not the use or non-use of private builders, but simply whether they are doing what they would most like to do and are making as much profit as they would like to make.

This leaves the question whether the smaller builder, an important part of the normal productive machinery, is not being squeezed out. He does not have the resources or the experience to operate in competition with either the big house-builder or the general building contractor on local-authority jobs. Here the government a few months ago changed its original policy a little. It authorized a local authority to say to a small builder in effect: "Harry, you've built some nice little houses down there on Vine Street. We could use some more like them, with only a couple of small changes, in our new housing estate. If you'll go ahead and build eight or ten of them this year, we'll buy them from you for £1,000 [or whatever the figure might be]." When bought by the local authority, these houses are used just like those built after competitive bidding. Arrangements of this kind can be made by the local authorities for up to twelve houses a year from a local builder without prior approval by the Ministry of Health. In some circumstances, particularly where the builder owns suitable land, similar deals can be made for the output of considerably larger builders.[17] Last winter was too soon to say how much use will be made of this procedure.

[16] For a different view on this point, see *Private Enterprise Housing; Report of the Private Enterprise Sub-Committee of the Central Housing Advisory Committee of the Ministry of Health* (His Majesty's Stationery Office, 1944).

[17] Circular 92/46 of the Ministry of Health, Apr. 30, 1946.

Quite possibly it will ease the lot of the smaller builders in the smaller towns. Whether the larger local authorities will find it worth their while is another question.

So the controversy goes on. The unhappiness of many house-builders is aggravated by the fact that no one knows how long this policy of the eighty-twenty ratio will be maintained. It has practically reversed the prewar proportions of local-authority and private speculative building.[18] Quite surely it will be modified substantially or dropped entirely as the current shortage is overcome. Many larger builders are concerned not only with their present operations, but also because they were caught at the beginning of the war with substantial holdings of land that they would like to make use of before the carrying charges mount too high. Meanwhile, rental housing is being built; rents are reasonable; private enterprise in one form or another is supplying the materials and putting up the houses.

IX

Housing construction costs are high. As in this country, it is hard to say exactly how they compare with prewar costs. In the later months of 1946, both wage rates and unit prices of materials were up about seventy per cent.[19] Contract prices on local authority houses, however, were up one hundred to one hundred fifty per cent. As here, much of this difference has been due to allowances for uncertainties of material delivery and also to fear of labor shortages. Late last fall, the latter were replacing difficulties in material supply as the chief bugaboo. Direct comparisons have to be tempered also by the fact that the new houses are larger and have more and often better equipment. Some substitute materials also have to be used. For example, although roofing tiles were being produced at record rates, they have been so in demand for repairs to existing dwellings that contractors on many new houses were using other kinds of roofing.

Labor productivity also has fallen below prewar levels—just how much or why is hard to say. Poor diet, fatigue after years of hard, often dangerous, work on emergency repairs, draining off of the better workers to repair work now going on or to better paying jobs

[18] See Marian Bowley, *Housing and the State, 1919–1944* (George Allen and Unwin, 1945), Appendix II, Table 2, p. 271.

[19] "Average Earnings and Working Hours in the Principal Industries at October 1946," *Ministry of Labour Gazette*, Apr., 1947, pp. 106–116, and *Monthly Digest of Statistics* (Central Statistical Office), Sept., 1946, p. 116.

in factories—all have played a part. Even slight delays and stoppages due to slow material deliveries also affect productivity—often more than is generally recognized.

To offset these higher costs, the rate of subsidies on local-authority housing has been substantially increased.[20] Both the central and local government contributions have been raised, the former more than the latter. The central government now gives about three pounds for each pound of the local government; before the war, the ratio approximately was two to one.

Last winter, those directly concerned with the production and finance of local-authority housing expected bids to be lower in the not too distant future. How much and how soon they will fall are simply matters of opinion. No consensus seemed to exist. In general, however, the officials directly concerned were quite confident that they have legislative authorization to manage the subsidy machinery so that it will not materially delay the drop in costs that seem inevitable when the building business really starts to roll again. Very few, however, would claim that the job will be easy.

X

As housing production gains momentum, the labor shortage becomes more and more ominous. As a result of the war, Britain has a great deal of building of various kinds to do—residential, commercial, industrial, public projects. Repairs and replacements have accumulated over the long, hard war years. As has been pointed out, however, Britain literally lives by its export trade. Production for export, therefore, rates very high in its claims for manpower. By the end of 1946, exports were higher than in 1938; but they must go higher still and be maintained at a high level.

In these circumstances, the problem of long-term labor supply in the non-export parts of the economy has a reality that is almost unbelievable to an American, who naturally thinks of peacetime conditions as the late thirties in this country. Early last winter, British housing production was beginning to feel the pull of this manpower shortage. In some of the larger cities, labor shortages were replacing material shortages as the chief brake on house-building. Some temporary easing of this drag may come as builders get back to or beyond their prewar efficiency in scheduling and directing the site work. A pick-up in labor efficiency will also help.

[20] *Housing (Financial and Miscellaneous Provisions) Act 1946* (9 and 10 Geo. 6, Ch. 48, Apr. 18, 1946).

But the specter is still there, and how seriously, if at all, it will curtail the plans for large-scale city rebuilding remains to be seen.[21]

XI

Prefabrication also has had a sad career thus far in Britain. In the latter stages of the war, it looked to many Britishers like the white hope to beat shortages in conventional building materials, labor scarcity, and high costs. The then Minister of Works, Lord Portal, jumped on this bandwagon and seized one of the loudest trumpets. Apparently against the recommendations of his chief technical advisers, he persuaded Mr. Churchill to announce that the government would shortly produce up to 500,000 prefab houses and distribute them to local authorities to take the edge off the acute need while longer-term plans and building were getting under way.[22]

[21] Developments on this front during 1947 are not encouraging. During its first eighteen months, the Labor government wisely refused to make the serious mistake of its predecessor, the coalition government of Mr. Churchill (duplicated in extreme form by our National Housing Agency under Mr. Wilson Wyatt) of setting and advertising high-sounding housing goals before anyone could intelligently guess what amount of housing could or would be built in the immediate future. Not until January, 1947, did the British government announce "an estimate of the total amount of work on the construction of new houses which the Government considered it reasonable to expect the building industry to carry out during the year. The program is based on specified assumptions as to the supply of labor, materials, and components, which must be the main governing factors. These assumptions are drawn from known facts on progress made during 1946 and from the best calculations that can be made at the present stage; but these can be tested only by the course of events during the year" (*Housing Programme for 1947*, Cmd. 7021, p. 2). In short, this program was for the *completion* during 1947 of 240,000 permanent and 60,000 temporary houses—300,000 in all. This total would be roughtly equivalent to the record rates of house-building in Britain in the late thirties and, incidentally, to 950,000 to 1,000,000 units in this country.

The coal-distribution and other transport troubles late in the winter forced the government to announce that its 1947 housing program might have to be reduced. Continued low production of coal aggravates the lumber shortage, which the program recognized as one of the most vulnerable points in future housing production. It is now (August, 1947) too soon to say what the latest "British crisis" (in its general trade and dollar position) may mean for housing. Probably, however, housing will suffer further from the lumber and labor shortages as the strained resources of the economy are forced even further into production for export.

Quite as important for the housing-city rebuilding program is the report of recent visitors that the recurring economic troubles are beginning to undermine the interest and hope that marked its early stages. No one, however, ought to exaggerate this trend. British determination can be dampened, but not as easily as many people would like to believe.

[22] Radio broadcast by Mr. Churchill, Mar. 26, 1944. Excerpts in *Britain and Tomorrow—British Official Statements*, Vol. IV (Sept., 1943—Dec., 1944), p. 37.

Very few, if any, Portal houses were ever built. As usual, the rosy announcement was far ahead of the slow, hard process of perfecting the techniques of manufacture and erection, let alone those of distribution and consumer acceptance, which were not involved so much in the Portal scheme. Undoubtedly the failure of the program counted against Churchill's party in the general election of July, 1945. Meanwhile, the technical men in the Ministry of Works were doing a careful, competent job of working with several budding prefabricators. Several of the houses seemed to hold real promise. Unfortunately, in trying to meet the immediate need the manufacturers worked first on temporary houses—small in size and with an estimated useful life of not more than ten years. When Labor took over the government, it decided not to go into temporaries of any kind on a large scale but to concentrate on high standard, long-term building. Not wishing to leave the prefab manufacturers high and dry after the development and experimental work they had undertaken at the urging of the previous government, the new Minister of Works decided to go ahead with contracts for about 165,000 of the temporary models.[23]

These houses are now sprouting up everywhere. Unfortunately, as temporaries they often are put up on the edges of parks, on bombed out sites, or on outlying lots not too well suited for residential development. Most Britishers apparently have little use for them—"too small, chicken-coops, too expensive for what you get, only good thing is the equipment." These criticisms are not unfair as applied to these particular houses, but it is unfortunate and unfair that in most British minds prefabrication has become synonymous with temporary, substandard structures.

The Labor government has made prefabricated housing purchased by local authorities eligible for subsidies—in fact, the act allows a somewhat higher subsidy to offset their now expected higher cost.[24] Some of the hardier producers are going ahead with new models for permanent prefabs. In December, the official *Return* listed nineteen types of prefabs (plus a catch-all—"other types") being put up by local authorities. The total of these houses was about 45,000 units, of which 24,000 were under construction and 2,700 were completed. The prefabricators' row ahead, however,

[23] White Paper—*Temporary Housing Programme* (Cmd. 6686—Oct., 1945).

[24] *Housing (Financial and Miscellaneous Provisions) Act, 1946* (9 and 10 Geo. 6, Ch. 48), Sec. 17.

looks very rough and rocky. As in this country, and maybe to a greater degree, premature ballyhoo and glib talk have given a serious setback to a potentially important addition to existing methods of housing production.

XII

Like us, the British have not found the answer to the question of how best to marshal the agencies concerned with housing in the central government. Six ministries have something to do with housing: Health, Town and Country Planning, Works, Supply, Labor and National Service, and the Board of Trade. Of these, the Minister of Health has a certain primacy in policy determination and usually speaks for the government on housing affairs. Works and Supply deal only with emergency problems of building materials, equipment, and temporary houses. Many officials in Whitehall and the town halls, as well as private citizens throughout the country, consider that administrative responsibility is too split up.

The present government has recognized this difficulty and taken the usual first step to meet it. Five of the ministers mentioned above—all except the Minister of Town and Country Planning—make up the Housing Production Executive. The Minister of Health is chairman. Its executive officer is charged with ironing out the bumps and wrinkles and assuring reasonable consistency of policy and administration. He is *ex-officio* chairman of all interdepartmental committees on housing questions. In addition, he deals directly with the ministers on many matters—sometimes individually, sometimes with two or more.

During last fall, various newspaper stories predicted the formation of a Ministry of Housing. Publications as different as *The Times* and *Picture Post* editorialized in favor of it. One story that seems reasonably authentic is that the government is convinced that such a ministry is desirable, but believes that it would be a mistake to set it up just as the current program is getting nicely started. The necessary period for organizing and shaking down a new department might better be postponed until the current program reaches a less critical stage.

Of course, the British program has other facets, and its ramifications go far and wide—rent control, rural housing, local-government finance, land acquisition and control (on which Parliament

has just passed a most far-reaching measure)[25]—all would be included in a more extended and systematic discussion. To some degree, however, they are still the domains of the specialists and the experts. On the wider public issues outlined here, the reader can make his own judgment of where the balance of good and bad, of wisdom and weakness, lies. Clearly, Britain is not yet an urban planning-housing Utopia. Each part of the program can be picked at. Not one is above some fair criticism. But they do fit together into a consistent whole. For the first time, a modern state is boldly attacking the problems of urban environment on all fronts—technical, economic, social, governmental—as a major public responsibility. And the attack is gaining ground. Where in the world today is a better balanced program for city building or one with higher objectives and more drive?

XIII

What is behind this drive? What enables a tired people harassed by so many accumulated troubles to undertake so difficult and strenuous a program of city rebuilding? Why are they not satisfied, as many are in this country, to talk about volume of housing construction—to throw up big figures as targets or goals, and to pass around the responsibility for making more livable cities out of more houses until the whole issue finally becomes dog-eared and shopworn?

To the Labor party goes a lot of the credit. Many Labor members know from actual experience the worst of the inconvenience, discomfort, and outright squalor of urban living. No one has to tell them that the setting for city life needs improvement. They know it; it has been a part of their lives. They give enthusiasm and push that counts. Other members—many from the large and growing middle-class, professional-intellectual wing—are proving effective mobilizers of expert opinion on ways and means. This over-simplifies the Labor party's actual operations. Many individuals in it combine both a fierce hatred of urban squalor and a keen sense of public policy and social engineering. And they come from both

[25] Introduced in January, 1947, as the Town and Country Planning Bill, 1947. According to the Associated Press, it finally passed the House of Lords on August 6, 1947. Its most controversial sections deal with the the old problem of land values based on expected change from lower to higher income uses. If its solution proves practicable, it may well be the most significant measure in the history of modern city and metropolitan planning.

wings of the party. The real point is that Labor in this job has the benefit of strong convictions and social know-how.

Labor has two other qualifications that are often overlooked. Although its previous governments were short and undistinguished, it has been the majority party in many local governments for years. In town halls it has trained and tested its leaders—often on the very problems that this program now attacks. Herbert Morrison, Lord President of the Council and Labor's leader in the House of Commons, and Lewis Silkin, Minister of Town and Country Planning, are only two examples—both are graduates of the London County Council. And many people in this country seem to forget that the British government during most of the war was not a Conservative government but a coalition in which Labor was well represented. The Conservative government during the war was that of Neville Chamberlain. Both its sorry showing and the records of such Laborites as Ernest Bevin and A. V. Alexander, First Lord of the Admiralty, in Churchill's government, have given self-confidence to all sections of the Labor party. The myth of one class fit to rule in Britain is gone forever. Labor has started to build better cities not only with fervor and administrative know-how, but with confidence born of success in the highest posts in both local and national government.

All due credit to Labor, however, should not blind us to the large area of bi-partisan agreement (tri-partisan, perhaps, if the Liberal party is still to be counted) that exists today in British thought on housing and local planning. For example, in many ways the most radical part of Labor's program is the New Towns Act. Yet that act follows quite closely the recommendations of the New Towns Committee, whose chairman, Lord Reith, is not a Laborite and, in fact, was Minister of Works and Planning in Churchill's government. If Churchill were prime minister today, the eighty-twenty ratio would most surely be out and private builders probably would be subsidized as well as local authorities. And most of the rest of the program would go ahead about as it now is—cut down a bit here and more there and probably pushed with less vigor; but nevertheless it would go ahead.

And behind this program is much mature common sense. It saves so much grief and waste of energy; it gives so much more continuity; it produces so much more confidence in government programs

and objectives. Nobody in a responsible position, official or private, talks much about housing starts—everybody knows that families live in completed houses, not in starts. In fact, a deliberate effort was made to hold starts in check until material supply began to pick up.[26] Again, the present government held back in setting production goals, popular as this might have been. During the latter part of 1945 and 1946, it said in effect: "Everyone knows we're short of houses—desperately short. We're going to do everything we can to help build as many houses of the right kind in the right places at the right prices. When this job is really rolling, we'll begin to worry about exactly how much we need. It'll be a lot." As pointed out above, only late in January of this year did the government come out with a one-year goal for housing production. Again, the Churchill government passed legislation for the Local Government Boundary Commission. Labor MP's were not happy about it; one, in fact, said it was "weak, pitiful, and inadequate." But when Labor came to power, it appointed such a strong Commission that it was praised on every hand. In short, both parties act more or less like grown-ups. (If anyone thinks this is weakness or makes for colorless politics, he should see and hear Herbert Morrison, with his cockney wit and repartee, or Minister of Health Bevan, with his Welsh fire and fight, in action in the House of Commons!)

Labor realism and technical skill, a large area of agreement on the main outlines of policy, the mature common sense that bolsters popular confidence in the government—these account for much of the drive behind this campaign for new and better cities. But at least two less tangible forces are also at work. Both of them are hard to describe; they come too close for comfort to the inanities of "national character." But they should not be passed over.

One of the deepest emotions in most Britishers is a love of country—the physical country of their lovely, packed, little island. Blake's vow, "Nor shall my sword sleep in my hand, till we have built Jerusalem in England's green and pleasant land," has a poignancy and reality that just do not seem quite the same elsewhere. And the last six or seven generations of Englishmen have seen

[26] Some question may be raised as to whether this check was strong enough. See the series of articles on "The Housing Programme" in *The Times*, Apr. 22, 23, and 24, 1947.

themselves more and more cut off from that countryside. They have seen more and more of its limited area despoiled by the black towns of the industrial revolution, by the mediocrities of the suburban sprawl, and by the grim graveyards of the depressed areas. The present generation has seen this picture blacken on many sides. Consciously or subconsciously, many people of all classes and backgrounds resent this persistent trend and, deep in their hearts, want to see it stopped and thrown back.

Now come political leaders, supported by citizen organizations and flanked by many experts, all saying it *can* be done—green, pleasant, comfortable cities can be built; easy access to the countryside can be restored; urban democracy can be given an appropriate setting. Although the physical damage from war-time bombing does not force them to start on so difficult a job in such difficult times, it does remind them, again maybe subconsciously, of the way they stood together as the bombs fell—stood together as human beings believing not only in human dignity and democratic government, but also in simple things like green spaces, safe playgrounds, the unaffected amenities of living in a decent neighborhood, and the protection of homes against the noise and dirt and tension of modern industrial production. Somehow or other, some of the human solidarity of those days of bombing still lives—not too much, perhaps, but some of it. And it seems most easily awakened by a program that proposes, among other things, to heal the scars of that war-bombing and to give every Britisher an even greater stake in a democracy that knows it will stand or fall eventually because of the kind of life and living it makes possible for the mass of its citizens.

NATURAL LAW: A FUNCTIONAL INTERPRETATION

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This study represents a preliminary inquiry into certain of the functional aspects of the natural law doctrine, particularly as it applies to American constitutional development. Throughout, the conceptual considerations, as such, will be ignored.[1] Instead, the basic consideration will be one of usage. How does natural law work? What does it do? If this distinction seems arbitrary, the writer can only point out that law and politics are not theoretical studies; that they are the bone and sinew of society; that if the social order is to serve humanity with the greatest possible direction, it should know the proper functioning of its constituent elements. Natural law, like atomic energy, is important because it works, not because it was invented. And by the same token, it is best understood by a respectable familiarity with its usage, not by memorizing the symbols of its essence.

The easy identification of natural law with the constitutional development of this country is apparent from even a cursory examination of the great body of constitutional doctrine. We have, for example, the whole concept of property relationships as they have come to us from the eighteenth century. We have a similar form-pattern in the development of certain processes of the law itself. We talk of the "reasonable man," or we invoke the "rule of reason." But the decisive characteristic of American constitutional development has been none of these. Rather it has been the acceptance of the working principle of negation. To avoid an enactment or a statute is considered, in this country at least, a valid exercise of authority. While it might be difficult to seek the legitimate derivation of such an action, or even to justify it, it is possible to consider its assumptions.

Briefly, they are contained in the body of doctrine which Judge Cooley first developed systematically under the title of "constitutional limitations." In reality, the word "constitutional" is a misnomer. It were better entitled "natural" limitation. For in the words of the learned judge, the essential principle is one "which

[1] However, see B. F. Wright, *American Interpretations of Natural Law* (Cambridge, 1931).

circumscribes the legislative authority aside from the specific restrictions which people impose by their constitution."[2]

Actually, the word offers merely the clue to the performance. It is the principle of limitation, more than any other single effort, which forces the study of natural law in the United States into a significantly functional interpretation. It is this, to use the older expression of Judge Chipman, which reduces to the principle of utility.[3] In short, here is the answer to the considering clause contained in the identification of natural law with American constitutional development.

The long history of colonial development demonstrates only too well that the precise principles of constitutional law with which we here are concerned were a concern of the majority of the thirteen colonies. Certainly this was true of New England. As Dr. Morris has remarked, "The early history of the law in Massachusetts Bay involves a struggle between the desire of the governing group for discretionary powers in the administration of justice and the popular demand for security."[4] This same struggle could be duplicated in Barbados or along the frontier, and it is important to notice that the most consistent element present in the trend toward the limitation of legislative authority was the concept of natural law.[5] There was no general agreement upon the definition of the term as such. Many languages were spoken, but the essentials were the same. The Puritan thought "that all Laws that are sup'structive may be altered by the representative body of the Com:w: Yet they have not power to alter anythinge wh'ch is fundamental",[6] while in the expression of plantation thought, there was ample illustration of the same general thesis. Cavalier in theme, it was replete with Whiggish overtones. The legislature, said John Locke (much quoted in Virginia), "is not, nor can possibly be, absolutely arbitrary over the lives and fortunes of the people."[7] To Locke,

[2] T. M. Cooley, *A Treatise on Constitutional Limitations* (Boston, 1868), p. iv. See also B. Cardozo, *The Nature of the Judicial Process* (New Haven, 1921), p. 92.

[3] N. Chipman, *Principles of Government* (Burlington, 1833), p. 71.

[4] R. E. Morris, *Studies in the History of American Law* (New York, 1930), p. 28.

[5] "It is evident that there is a close relation between the law of constitutional limitations and the law of fundamental rights in America." F. N. Thorpe, *Essentials of American Constitutional Law* (New York, 1917), p. 202.

[6] John Winthrop, *Journal*, II, p. 438, quoted in Morris, *op. cit.*, p. 35.

[7] John Locke, *An Essay Concerning the True Original, Extent and End of Civil Government* (2d Treatise), sec. 135.

there were certain principles of eternal right which proclaimed a constant limitation upon the legislative function.[8]

Through the concept of natural law, then, the various strains of colonial America moved, each with a different interpretation of principle,[9] but with the same principle, nevertheless, into definite channels. The planter talked Whig doctrine; the Puritan, theology; and the frontiersman, a newer, more virile language.[10]

Space does not permit a consideration of the devolvement of these numerous doctrinal statements into a common political cipher. That the concept of the limitation of authority should eventually bring them to a conclusion which would unite the colonies in a common political action against the power of Parliament is an excellent illustration of how that concept, when seen in terms of natural law, became a means of obtaining the confinement of legislative authority.

Recent emphasis upon the social and economic implications of the American Revolution have tended to obscure to some extent the plain fact that the struggle for independence was essentially a legal one; that the recovery of legal rights by the colonists was the avowed purpose of the military action; that colonial demands were not revolutionary, but were merely the logical culmination of a denial of Parliament's right to pass acts affecting the internal polity of the colonies.[11]

Legally, the colonial position was posited upon the rule in Calvin's case which held that members of the British Commonwealth were bound to the king's person, not to the king in Parliament; that by direct implication, the power of Parliament is not a supreme power. The prerogative of the king was not, in fact, denied until the final act of revolution. The important point to consider, then, is not so much whether or not the dominions beyond

[8] "[These] principles impressed themselves upon American constitutional law by the limitations they laid down upon the legislative power." E. S. Corwin, "Higher Law Background of American Constitutional Law," *Harvard Law Rev.*, Vol. 42 (1928–29), p. 389.

[9] Locke, for example, denied the validity of New England claims. See R. G. Gettell, *History of Political Thought* (New York, 1924), p. 226.

[10] "It is evident . . . that a belief in natural right found ready lodgment in the minds of residents along the frontier." F. L. Paxson, *History of the American Frontier* (New York, 1924), p. 100. Also see Paxson, "Influence of Frontier Life on the Development of American Law," State Bar Assoc. of Wis., *Reports*, XIII (1919–20–21); R. Pound, *Spirit of the Common Law* (Boston, 1921), Chap. V.

[11] C. H. McIlwain, *The American Revolution* (New York, 1924).

the sea were bound by acts of Parliament (in this case without representation), but whether such a principle as the limitation of Parliament existed.

Of the men who were most influential in formulating and stating the constitutional issue involved, Richard Bland, a man of considerable reputation in his day, both as a legislator and as an historian, was probably the first to reject the legality of Parliament's acts and to adopt the principle of limitation.[12] James Otis was not willing to carry his reasoning this far, nor was John Dickinson, though both stated the doctrine of limitation without denying the legality of the acts. In the "Rights of the British Colonies Asserted and Proved," Otis admits that "the parliament of Great Britain has an undoubted power and lawful authority" to bind the colonists, yet feels that "no act of Parliament can deprive them of their liberties as such."[13] To him, "all power is of God,"[14] and "should any act of Parliament be against His natural laws, which are immutably true, their declaration would be contrary to eternal truth, equity, and justice, and consequently void."[15]

Bland, however, saw the power of limitation as more than theory. Whereas Otis admitted that America's only recourse was to a petition, the aged draftsman of the famous Remonstrance to the House of Commons (House of Burgesses, October Session, 1764) stated quite frankly that "when subjects are deprived of their civil rights . . . they have a natural right to quit the society of which they are members." His "Inquiry into the Rights of the British Colonies" is the most adequate statement of his position. It contains, in addition, the most complete statement of the doctrine of parliamentary limitation up to that time. Throughout, he makes frequent reference to the law of nature, and feels it binding on the legislative power. "Great is the power of Parliament," he declared, "but great as it is, it cannot constitutionally deprive the people of their natural rights."[16]

The works of John Adams, while more systematic and perhaps more scholarly than Richard Bland's, add very little to the latter's

[12] Thomas Jefferson, *Writings* (P. L. Ford, ed., New York, 1898), IX, p. 474.

[13] James Otis, "The Rights of the Colonists Asserted and Proved," p. 69. Reproduced in C. F. Mullett, "Some Political Writings of James Otis," University of Missouri *Studies*, IV, No. 3 (1929), p. 325.

[14] Mullet, *op. cit.*, p. 335. [15] *Ibid.*, p. 334.

[16] Richard Bland, *An Inquiry Into the Rights of the British Colonies* (Williamsburg, 1776), p. 26.

statement of the colonial position.[17] In speaking of the struggle for control in government, he strikes at the authority of Parliament, asserting the rights of the populace. "I say Rights, for such they have, undoubtedly, antecedent to all earthly government,—Rights, that cannot be repealed or restrained by human laws—Rights, derived from the great Legislator of the Universe."[18] Adams, nevertheless, works, as did Otis, from within the framework of the British constitution. Yet he realizes, more completely than did Otis, the nature of that constitution. To him, it "stands upon this principle, that the meanest and the lowest of the people are, by the unalterable, indefeasible laws of God and nature," entitled to the same benefits "as the nobles or the King."[19] The people, in choosing a legislative body, are "reserving always the fundamentals of government."[20]

James Wilson was of a like opinion. While accepting the usual legal position that "the American colonists are not bound by the acts of Parliament, because they are not represented in it,"[21] Wilson goes on to declare the even greater principle of limitation. "The law of nature is immutable," he says, "not by the effect of an arbitrary disposition, but because it has its foundation in the nature, constitution, and mutual relations of men and things."[22] To this former candidate for holy orders, there was no question as to what he meant by this declaration. It was not the imperial decree of New England's "universal legislator" that lent validity to the concept of natural law. Wilson specifically denies such an element of superiority as "containing the germ of divine right of princes to rule and of the corresponding obligation of the people implicitly to obey. . . . Now that the will of a superior is discarded . . . What principle shall be introduced in its place? In its place, I introduce the consent of those whose obedience the law requires."[23] This is perhaps the most satisfactory explanation of the utility of natural law that comes from a colonist.

The public declarations that challenged the right of Parliament to legislate for the colonies were almost as numerous as the works of individuals. Beginning with the Remonstrance of the Massa-

[17] *Ibid.*, p. 12.

[18] John Adams, *Works* (ed. by C. F. Adams, Boston, 1865), III, p. 449.

[19] *Ibid.*, III, p. 480. [20] *Ibid.*, III, p. 481.

[21] R. G. Adams, *Selected Political Essays of James Wilson* (New York, 1930), p. 71. [22] *Ibid.*, p. 288. [23] *Ibid.*, p. 251.

chusetts General Court in 1646,[24] which held as the "fundamental basis" of their laws the "law of God and Right Reason" and iterated that "our allegiance binds us not to the laws of England any longer than while we live in England . . . for we have no laws . . . contrary to the law of God," up to the Virginia declaration of rights which states the "unalienable right" to alter or abolish a government which is not of the greatest benefit of all,[25] any number of forcible complaints can be found, all of them stating clearly the constitutional issue involved and invoking the familiar concept of natural law to maintain the colonial position. As an extra-legal agency (not necessarily considered so by them, however), it was looked upon as a valid and legal limitation upon the actions of Parliament.

The entire movement toward the constitutional limitation of Parliament reached its apogee in the Declaration of Independence. Of no less importance than the rights declared in that famous document was the implication derived from those rights that the logic of position was forcing a factual consideration of the theory of limitations. The call to arms was a denial of the claims of the king in Parliament—a denial invoking the higher utility of the concept of natural law.

With the establishment of a national government in the United States, the theory of limitations as it related to the powers of Parliament rested upon the assumptions of a new scheme of federalism, a scheme in which the legislative power was vested in a national body. On the face of it, it would appear that a redefinition of the principles of limitation might be called for.[26] Certain elements, present in the Parliamentary problem—namely, the problem of taxation without representation—were now no longer present. In their absence, could the principle of limitation bind a truly representative legislature?

The legal tradition of this country has ruled that it could; and the doctrine of judicial review is the method whereby this has been effected. "Any act of the legislature," reads a clear statement of the principle, "which violates any of these asserted rights, or which intrenches on any of these great principles of civil liberty, or the

[24] John Winthrop, *History of New England* (ed. by J. Savage, Boston, 1853), I, p. 388. Quoted in Morris, *op. cit.*, p. 19. [25] 3rd sec.

[26] For an analysis of this problem, see J. Allen Smith, *Growth and Decadence of Constitutional Government* (New York, 1930), pp. 12–26.

inherent rights of man, though not enumerated, shall be void."[27]

Historically, judicial review is an American doctrine, though it contains characteristics derived from alien sources. There are, for example, elements of the social contract present in its working achievement; elements of the "law of the land," elements of "due process." But none of these explains what is peculiarly American in the doctrine, notwithstanding their contribution as signposts. What marks the distinction of the doctrine of judicial review is not merely that judicial review comprehends the same derivatives as does natural law—though it does that—but rather that these derivatives act functionally in giving substance to the legal doctrine. It is the unbroken tradition of a so-called "natural" limitation in this country from earliest times—a limitation acting as a negative, which entitles judicial review to the designation of "the American variant of natural law."[28]

As is well known, the institution of judicial review had laid down roots prior to the American Revolution,[29] but its rise to swift maturity in the formative years of American law is what marks its classic place in constitutional theory. It is during these years that the actual formal identification of the natural-law doctrine with the doctrine of judicial review takes place in America. There are few major court decisions at this time that do not place the negating of a statute upon the basis of natural limitation. Justice Chase, to take a single example, pointed out that "an act of the legislature, contrary to the first principles of the social compact, cannot be considered a rightful exercise of legislative power"[30]—a thesis reiterated in Cooper v. Telfair[31] and considered at great length by both Story[32] and Marshall.[33]

Successive generations of Supreme Court justices took similar cognizance of the peculiar place of natural limitation. To a majority of the Court that sat in the years following the Civil War, as to a majority of the Court in earlier times, the doctrine of judicial review was considered as a necessary corollary of the theory of the

[27] *In re* Dorsey, 7 Porter (Alabama) 377–378.

[28] R. Pound, *Introduction to the Philosophy of Law* (New Haven, 1922), pp. 50–52.

[29] C. G. Haines, *The American Doctrine of Judicial Supremacy* (Berkeley, 1932), Chap. III.

[30] Calder v. Bull, 3 Dallas 385. Also Justice Iredell's concurring opinion.

[31] 4 Dallas 414. [32] Wilkinson v. Leland, 2 Peters 657.

[33] Fletcher v. Peck, 6 Cranch 87.

"inalienable rights" of the citizenry. Justice Mathews believed that "there are certain fundamental rights which that system of jurisprudence, of which ours is a derivative, has always recognized"[34]—a position concurred in by Justice Field when he declared that police regulations could be upheld only "when such regulations do not conflict with any constitutional inhibition or natural right."[35] To Field, "the theory upon which our political institutions rest is that all men have certain inalienable rights,"[36] and the function of the judiciary is, in the words of his nephew, Justice Brewer, "limited to seeing that popular action does not trespass upon right and justice as it exists in written constitutions and natural law."[37]

Such statements are too numerous to bear recital.[38] The point is that men like Field, Waite,[39] Harlan,[40] Brewer, and Miller[41] posited their thinking upon a doctrine which preceded them and which has survived them. Irrespective of the further ramifications of their thought, their method of confining the power of the legislature was to invoke the principle of natural limitation—a principle basic in American constitutional development.

The quarter of a century from 1875 to 1900 found an interesting shift in terminology taking place in American legal doctrine. Whereas earlier the limiting principle invoked by the courts was one of "natural" limitation, by the turn of the century there was little trace of its verbal presence.[42] Yet if judges talked but infrequently of natural law, they spoke in increasing earnestness of the "due process" doctrine as a valid limitation upon the actions of legislatures. The principle of utility had translated the fundamental

[34] Hurtado v. California, 110 U.S. 536.

[35] Butcher's Union Company v. Crescent City Co., 111 U.S. 759.

[36] Cummings v. Missouri, 4 Wall. 321. Also see Barbier v. Connolly, 113 U.S. 31.

[37] Address before the N. Y. Bar, New York Bar Assoc., *Proceedings*, 1893, p. 46.

[38] They were, of course, not confined to the federal judiciary. The Massachusetts supreme court declared during this time that "there are certain fundamental rights of every citizen which are recognized in the organic law of all our free American states. A statute which violates any of the rights is unconstitutional and void, even though the enactment of it is not expressly forbidden." Commonwealth v. Perry, 155 Mass. 125.

[39] U.S. v. Cruikshank, 92 U.S. 554.

[40] Chicago, B & Q R. R. Co. v. Chicago, 166 U.S. 226.

[41] Loan Assoc. v. Topeka, 20 Wall. 663.

[42] However, see C. G. Haines, *Revival of Natural Law Concepts* (Cambridge, 1930), pp. 232–234.

law concepts of Justices Story and Field into the language of a more sophisticated people.

The term "due process of law," a phrase synonymous with "law of the land,"[43] first appeared in this country in 1692 in the General Court of Massachusetts Bay. Apparently, even at that early date, it had ceased to bear the ordinary connotations of the English phrase (i.e., the course of administration through courts of justice). Former Chief Justice Hughes remarks that the "phrase 'due process of law' represents an American conception of extraordinary pervasiveness. . . . They [the colonists] did not attempt to define the meaning of the phrase; doubtless it appeared to them as having an indefinite content and all the better for that. *They wanted protection against tyranny whenever and however it might hit.* . . . But it would be going too far to insist that these requirements were all they had in view. . . . They were also intent on safeguards against arbitrary government. *They were intent on protection against legislatures as well as executives.*"[44]

Though as former Chief Justice Hughes rightly points out, the term "due process" has an historical stature of almost equal length in this country with certain other derivatives of the natural law doctrine, it is also true that the expression did not come into general usage until the close of the last century when a revolution in thought was forcing a reëxamination of legal and political precepts. Critical realism discarded the romantic terminology of natural law and substituted a technical language of its own. In law, the term "due process" became the tailor retailored.[45]

The recent history of due process has followed the same general pattern as that of other derivations of the natural law doctrine (including the use of the doctrine itself), and its substantive interpretations have given as much pain to its enemies as did some of the earlier natural-law interpretations to the empiricists. But just as the older terminology had watched the succession pass, so due process discovered that its own new-found strength was being subjected to the dynamics of political insecurity; that the essence of its nature was eventually being subordinated over a period of time to

[43] W. W. Willoughby, *The Constitutional Law of the United States* (NewYork, 1929), pp. 1683 ff.

[44] C. E. Hughes, *The Supreme Court of the United States* (New York, 1928), p. 187. (Italics mine.)

[45] Whitney v. California, 274 U.S. 372. Justice Brandeis, for discussion.

the purpose of that nature. Since 1936, substantive due process as interpreted by the Supreme Court has been held in abeyance. What the further implications of this action may be is perhaps yet too early to predict.[46] There may be a complete decline in usage, or there may yet be a further substantive extension. But in no case is there likely to be a basic reconstruction of the fabric of political principle. The decline—if it has set in—of substantive due process will, like the rise of it earlier, merely manifest itself as a working example of the theory of utility functioning in the field of constitutional law. The principle of limitation as a necessary restriction against the unconfined power of the legislature will still be held as a necessary corollary of political freedom.

The purpose of this paper has not been to seek a justification outside the categories of positive law for such a principle of action. It is the contention rather that the very existence of this phenomenon arises out of its utility and not out of its essential character. The mechanism of the constitution, the laws implementing its functional significance, the theories forming the assumptions thereof, together give meaning and validity to government, not the philosophical overtones. A great teacher of constitutional law once admonished his students: "Look into any constitutional document of the English-speaking race and you shall find the same spirit, the same way of action; its aim is always an arrangement, as if of business; no abstract setting forth of liberties, no pretense of grants of privilege or political rights, but always a formulation of limits and of methods, a regulation of the way governments shall act."[47]

The entire course of American constitutional development has been marked by precisely this technique of performance. Never has the fundamental consideration, to take the problem with which this paper deals, been one of "higher law" as such. The men of colonial America talked just as the men of our own day talk, in terms of limitations, whether as pamphleteers or as justices on the Supreme Court. Men are to be secured; legislatures to be confined. To this end, the presence of natural law has served consistently as a method, as a means of accomplishing a legitimate purpose.

[46] However, see Carl Brent Swisher, *The Growth of Constitutional Power in the United States* (Chicago, 1946), Chap. V.

[47] W. Wilson, *Constitutional Government in the United States* (New York, 1921), p. 8.

AMERICAN GOVERNMENT AND POLITICS

THE NEW PRESIDENTIAL SUCCESSION ACT

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Among the responsibilities which the Constitution imposes upon Congress is the regulation of the succession to the office of president in certain contingencies. The framers of the Constitution themselves disposed of the problem in part by creating the post of vice-president and making that officer a first recourse in filling a vacancy in the presidential office. Realizing the need for designating more than one prospective successor, since vacancies might occur in both offices simultaneously, the convention at a late stage in its proceedings added as a seeming afterthought a clause authorizing Congress to make further provision by law on the subject.[1] Although seven presidents and seven vice-presidents have died in office and one vice-president has resigned during the time the Constitution has been in operation, the situation envisaged by the framers has never actually arisen. Nevertheless, the power entrusted to Congress is important potentially. During nearly one-fourth of the time since 1789, a federal statute rather than a constitutional provision has governed the succession to the presidential office in an immediate sense.[2]

Two fundamentally opposed theories have been advanced concerning the officer upon whom Congress should cause the powers and duties of the presidency to devolve. One is that the presiding officer of the House or the Senate should be designated, in order to insure that any person becoming acting president shall achieve that status through an elective process. The

[1] Art. II, sec. 1, par. 6, of the Constitution, which deals with the matter, reads: "In case of the removal of the President from office, or of his death, resignation, or removal, or inability to perform the powers and duties of said office, the same shall devolve upon the Vice President, and the Congress may by law provide for the case of the removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected." Sec. 3 of the Twentieth Amendment, adopted in 1933, amplifies the original authorizing clause as follows: " . . . the Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified."

[2] The seven presidents who died in office left unexpired portions of their terms totaling almost 23 years. In addition, there have been about 13 years of vacancy in the office of vice-president. The fifteen periods (including the present one) during which the succession arrangements based on statute have named the person next in line for the presidency total approximately 36 years—amounting to about 22½ per cent of the entire period from 1789 to 1949.

other is that Congress should designate a subordinate executive officer, in order to insure continuity of policy in the executive branch and to maintain unimpaired the system of separation of powers. A second basic question is whether the officer who succeeds to the presidency should be allowed to occupy that office for the remainder of the unexpired term, or should be regarded as an *interim* president serving only until a successor has been chosen by special election.

In the three presidential succession laws it has passed, Congress has vacillated on these issues. The first statutory arrangements on the subject were contained in the Presidential Electoral Law of 1792,[3] in which Congress named the president *pro tempore* of the Senate and, after him, the speaker of the House as the officer on whom the responsibility of acting as president should fall when no vice-president was available. Section 10 of the law provided for setting in motion the electoral college machinery for choosing another president immediately upon assumption of the powers and duties of the presidency by one of these officers. This statutory arrangement was superseded by the Presidential Succession Act of 1886,[4] which named the heads of the seven cabinet departments then existing, beginning with the secretary of state, as the officers in line for the succession. This act repealed the section of the 1792 law which required immediate steps to be taken for choosing a successor through the electoral college system; but by requiring the acting president to assemble the Congress within twenty days if not already in session, the 1886 law apparently was intended to give the Congress opportunity to arrange for selection of a successor, by special election or otherwise, if it should see fit.[5]

The death of President Franklin D. Roosevelt in April, 1945, shortly after the beginning of his fourth term, brought attention afresh to the constitutional and statutory arrangements relating to the matter of succession. Public interest was heightened when President Truman himself addressed a special message to Congress on June 19, 1945, urging revision of the 1886 law in the interest of "orderly, democratic government."[6] Pointing out that there would be no elective successor to himself available for almost four years, he recommended that Congress pass a new law which would place the speaker of the House and the president *pro tempore* of the Senate ahead of the cabinet officers in the line of succession. He also suggested that the new legislation should contain provisions for holding a

[3] Act of Mar. 1, 1792, ch. 8, secs. 9 and 10; 1 *Stat.* 240.

[4] Act of January 19, 1886, ch. 4, secs. 1–2; 24 *Stat.* 1.

[5] For an account of the origin of the 1886 law and a criticism of this feature of it, see Charles S. Hamlin, "The Presidential Succession Act of 1886," *Harvard Law Review*, Vol. 18, pp. 182–195 (Jan., 1905).

[6] *Cong. Record*, 79th Cong., 1st Sess., p. 6272; *House Doc.* 246, 79th Cong., 1st Sess.

special election to fill out the unexpired portion of a presidential term, particularly if a situation requiring resort to the statutory line of succession should occur in the first half of a term. The President's proposal, in substance, would have restored the system of succession provided in the 1792 law, but with two modifications: (1) the positions of the speaker of the House and the president *pro tempore* of the Senate would be interchanged, and (2) cabinet officers, who were not included in the line of succession under the 1792 law, would be added to it.

The President's suggestion was accepted with apparent enthusiasm by the House of Representatives. Within a month after receipt of the special message, a bill was passed carrying out the President's recommended changes in the order of succession, but omitting the special election feature.[7] In committee in the Senate, the bill was blocked, even though President Truman, somewhat to the surprise of some political observers,[8] again called for action on the matter in his annual message of January, 1946. The Senate did, however, pass a concurrent resolution creating a special joint congressional committee to study and make a report on all aspects of the problem,[9] though the House failed to concur.

The political implications of the new plan of succession were changed as

[7] *Cong. Record*, 79th Cong., 1st Sess., pp. 7008–7028. The bill, H.R. 3587, was sponsored by Representative Sumners, Democrat, of Texas, chairman of the House Judiciary Committee. As reported from committee, the bill contained a section making it mandatory to call a special election of a successor to fill out the unexpired portion of the presidential term if a vacancy were created ninety days or more prior to the regular midterm congressional election. Strong objection was voiced to this feature of the plan on grounds of policy as well as alleged unconstitutionality, and it was eliminated during consideration on the floor. Except as to this provision, there was slight opposition to the bill.

[8] The President's special message was transmitted on June 19. On June 27, he announced the resignation of Edward Stettinius as secretary of state and on July 3 the appointment of James F. Byrnes as successor. Stettinius was an appointee of President Roosevelt, and his party status as a Democrat was somewhat vague. Byrnes was a "regular" Democrat, with extensive political experience. President Truman's suggestion of a change in the succession law was viewed in some quarters as a maneuver designed to meet the charge that the shift in the secretaryship of state was dictated by a desire to put a "safe" and experienced party man in a position to succeed as president and party leader.

[9] On March 14, 1946, the Senate passed Senate Concurrent Resolution No. 50, sponsored by Senator Green, Democrat, of Rhode Island, and Senator Smith, Republican, of New Jersey. The resolution would have set up a joint committee of five members from each house for the purpose of studying and making recommendations on "all matters connected with the succession to the Presidency and the election of the President and Vice President from the time of nomination . . . through the time of their election and the time of their inauguration until the termination of their respective terms of office, with the purpose of making the law certain as to the Presidential election and succession." *Cong. Record*, 79th Cong., 2nd Sess., pp. 2237–2238.

a result of the Republican victories in the 1946 congressional elections and the subsequent installation of a Republican speaker in the House and president *pro tempore* in the Senate of the Eightieth Congress. Nevertheless, President Truman continued to give public support to his original recommendations.[10] On June 27, 1947, over strong Democratic opposition, the Senate voted through a bill similar in all but minor respects to the measure which the House had passed in 1945.[11] After most perfunctory consideration, the House of Representatives approved it by an overwhelming majority on July 10;[12] and on July 18 it was signed by the President.

The Presidential Succession Act of 1947[13] follows in the main, but not completely, the suggestions advanced by President Truman in his special message on the subject. It provides that in case of the death, resignation, removal from office, or disability of the President, or his failure to qualify for office, the speaker of the House, upon resigning as speaker and as a member of the House, shall act as president when no vice-president is available. If there is no speaker, or if he fails to qualify, the president *pro tempore* of the Senate, upon resigning as president *pro tempore* and as a senator, shall act as president. An officer who becomes an acting president under these circumstances is to serve for the remainder of the current presidential term except (1) when he is acting as president because of the failure of a president-elect or a vice-president-elect to qualify for office, in which case a president-elect or a vice-president-elect who subsequently qualifies is to supplant the acting president forthwith; and (2) when the speaker or president *pro tempore* has become acting president by reason of the disability of an elected incumbent, in which case the removal of the disability will result in the displacement of the acting president by the elected incumbent. The subsequent selection of a new speaker who is able to qualify, however, will not cause a president *pro tempore* who has become acting president to be displaced.

If there is no speaker or president *pro tempore*, or neither of them qualifies for the office of acting president, the succession will pass to the secretary of state and then to other cabinet officers in the order previously provided

[10] See his letter of February 5, 1947, to President *pro tempore* Vandenberg and Speaker Martin again endorsing his original plan. *Cong. Record* (current), 80th Cong., 1st Sess., p. 7853.

[11] *Ibid.*, pp. 7851–7874, 7931–7951. The bill, S. 564, was introduced and piloted through the Senate by Senator Wherry, Republican, of Nebraska. The vote on passage followed party lines quite closely, with 47 Republicans and 3 Democrats favoring the bill, and 35 Democrats opposing.

[12] *Ibid.*, pp. 8792–8807. The House vote was 365 to 11, with 10 Democrats and one Republican casting the opposing votes.

[13] *Public Law 199*—80th Cong., 1st Sess.

in the Presidential Succession Act of 1886.[14] A cabinet officer thus assuming the powers and duties of the president automatically resigns his departmental headship on taking the presidential oath of office; but his occupancy of the presidential chair will continue only until a speaker or president *pro tempore* is available and takes steps to supersede him. In no event would an individual not possessing the prescribed constitutional qualifications as to age, residence, and citizenship be eligible to serve as acting president; and in the case of cabinet officers, only those whose appointments have been duly confirmed, and who are not at the time under impeachment, would be eligible. Under the new act any individual would be required, on assuming the powers and duties of the presidency, to take the presidential oath prescribed by the Constitution; and he would receive the compensation ordinarily attaching to the presidential office during his period of service as acting president.

Committee reports on bills to establish the new plan of succession and supporting speeches made in the legislative debates stressed heavily the points made by President Truman in his special message in 1945 urging the change. He had insisted that it was "undemocratic" for a president to be allowed, in effect, to name his own successor by the appointment of a secretary of state and other cabinet officers; that anyone who occupies the office of president for any considerable period should hold it by virtue of election; and that, all things considered, the speaker of the House, by reason of having been elected originally to membership in the House by the voters of his district and subsequently to the speakership by his congressional colleagues, was the logical officer to be placed first in line after the vice-president. For similar reasons, the president *pro tempore* of the Senate, it was urged, should be placed ahead of cabinet officers in the line of succession.[15]

[14] The new law includes in the line of succession the three cabinet officers (secretary of agriculture, secretary of commerce, and secretary of labor) whose posts were created after the passage of the 1886 law, and who consequently were not covered by its provisions. Under the National Security Act of 1947, the new secretary for defense is given the place in the line of succession occupied formerly by the secretary of war, and the secretary of the navy is dropped from the list. See *Public Law No. 253*, sec. 311, 80th Cong., 1st Sess. During Senate consideration of the Wherry bill, Senator Wiley, Republican, of Wisconsin, proposed an amendment that would also have included in the line of succession following the cabinet officers the "highest ranking military or naval officer of the United States." His amendment, which he explained was designed to meet a situation that might conceivably arise in the event of an atomic bomb attack on the seat of the government, was rejected. *Cong. Record* (current), 80th Cong., 1st Sess., pp. 7951–7952.

[15] During consideration of the bill in the Senate, Senator Russell, Democrat, of Georgia, proposed an amendment which would have reversed the order of the speaker and the president *pro tempore* in the line of succession, giving the latter first place after the vice-president as in the 1792 law. The amendment was voted down,

Another point in support of the new act is that by defining the status of an acting president in more specific fashion than the 1886 law did, it clears up obscurities that might have caused trouble. While the succeeding officer will be styled "acting president," he will serve until the end of the regular term except in the two contingencies mentioned. In every case, he will sever all connections with the office by virtue of which he is elevated to the presidential office.[16] The new law will eliminate the dangerously ambiguous provision of the 1886 law which placed in the hands of a politically sensitive Congress and a temporary president the responsibility for deciding whether a special election should be called to choose a successor, and, if one was called, whether the newly elected president should serve for a full four-year term or for only the remainder of the unexpired term. Furthermore, the contingency contemplated in the Twentieth Amendment in which neither a president-elect nor a vice-president-elect should be available at the beginning of a new term is dealt with.[17] Finally, there is the point that one of the main considerations which led to replacement of the 1792 law by the act of 1886, *viz.*, the failure of the earlier measure to insure that a potential successor would be available at all times, has been practically eliminated since 1886 by changes in senatorial practice regarding the tenure of a president *pro tempore* and by the Twentieth Amendment, which gives a new Congress opportunity to organize and choose its presiding officers before an outgoing president's term has expired.

Considerable weight must be accorded these arguments in support of the new legislation. The 1886 law was undoubtedly imperfect, and it failed to deal clearly and fully with all of the questions and contingencies that might arise in connection with the succession. On the whole, however, it is questionable whether the new law represents any substantial advance-

55 to 31, after Senator Vandenberg, the incumbent president *pro tempore*, spoke emphatically against it. *Ibid.*, pp. 7946–7947.

[16] The 1886 law did not require an acting president to resign his departmental headship. Rather, it seemed to be based on the theory that an acting president must continue to occupy the subordinate office which entitled him to assume the powers and duties of the presidency.

[17] In 1941, the House of Representatives passed a bill introduced by Representative Kefauver, Democrat, of Tennessee, dealing with this aspect of the succession. It provided for temporary assumption of the presidential office by the speaker of the House, or by the president *pro tempore* of the Senate when a speaker was not available, if there were no qualified president-elect or vice-president-elect on hand at the beginning of a new presidential term. The Senate, however, failed to act on the bill. *Cong. Record*, 77th Cong., 1st Sess., pp. 3259–3261. Unlike the new Presidential Succession Act, the Kefauver bill provided that temporary assumption of the powers of the presidency by one of the officers mentioned should not require relinquishment of his congressional post; on the contrary, it provided specifically that he should resume it as soon as a regularly chosen president or vice-president should qualify.

ment toward a proper solution of the whole problem. Senator Hatch, of New Mexico, who led the fight against the bill in the Senate, was no doubt unduly pessimistic when he asserted that "the only thing the pending bill does . . . is to make out of the confusion which has heretofore existed throughout the years complete chaos . . . and . . . to transfer the line of succession from the present Secretary of State to the present Speaker of the House of Representatives";[18] but there is a certain element of truth in his declaration.

Unquestionably the new act runs counter to the theory of separation of powers. Moreover, it embraces a theory concerning the succession which the framers of the Constitution themselves rejected.[19] Although the Second Congress, in which sat several members who had served as delegates to the Convention, enacted the 1792 law placing the line of succession in the presiding officers of Congress, the arrangement thus made was strongly criticized at the time as contrary to the spirit of the constitutional plan,[20] and its intermingling of the legislative and executive powers was an important reason for its abandonment in 1886.[21] The objection to the system of succession provided in the 1792 law made in connection with the impeachment of President Johnson is equally valid against the new plan.[22]

[18] *Cong. Record* (current), 80th Cong., 1st Sess., p. 7957.

[19] The tentative draft of a constitution as it came from the Committee of Detail contained a provision designating the president *pro tempore* of the Senate as the officer on whom the presidency should devolve in case of vacancy. Later—after it had been decided that the president should be independently elected—objection was made to this provision on the ground that it would be impracticable and inconsistent with the idea of independence of the two branches of government. Eventually, an independently elected vice-president was provided for. Cf. James Madison, *Journal of the Federal Convention* (Scott ed., 1898), pp. 458, 613–614, 654–660, 663–680, 707–708, 756–757.

[20] The 1792 statute was adopted after a protracted struggle between the two houses. Dominated by Federalists under Hamilton's leadership, the Senate wished to have the president *pro tempore* designated as next in line. The House, under the influence of Jefferson's followers, insisted upon placing the succession in the heads of the executive departments, beginning with the secretary of state, who was at that time Jefferson himself. The House eventually deferred to the Senate's wishes when the speaker was placed in the line of succession following the president *pro tempore*, although the compromise was agreed to by the narrow margin of 31 to 24 in the House. Cf. remarks of Representative Monroney, Democrat, of Oklahoma, *Cong. Record*, 79th Cong., 1st Sess., p. 7012.

[21] Hamlin, *op. cit.*

[22] Under the new act, the speaker of the House will be directly concerned in effecting the removal of a president when he himself is the officer next in line to succeed. Senator Wade, of Ohio, president *pro tempore* of the Senate in 1868, participated as a member of the Senate when it sat as a court in the trial of President Johnson and voted to remove the President from office. See David M. DeWitt, *The Impeachment and Trial of President Johnson* (1903), pp. 390–393, 550, 553.

The contention that to permit the presidential office to devolve upon the presiding officer of the House is more "democratic" than to place it in the hands of an appointive secretary of state is also open to challenge. While the presiding officer of the House, and of the Senate as well, has achieved his place, first by direct popular election to a seat in Congress, and later through election to his post by his colleagues, it does not necessarily follow that he has thereby achieved a substantial claim to popular preferment as chief executive. The constituency which elects him originally to his seat in Congress is a small segment of the nation, and he is elected by it on the basis of his strength with the powerful groups and interests which dominate it. His rôle is primarily that of a pleader and advocate for his district or state. Elevation to the post of presiding officer is largely governed by considerations of seniority, knowledge of parliamentary procedure, and party fidelity. Democratization of the process of determining a president's successor would seem to be much more dependent upon the president's proposal to restore the special election device for choosing a new president to fill out an unexpired term, particularly if a substantial part of it remains, than upon designation of the speaker as his political heir and executor.[23] At any rate, public opinion polls showed no significant popular demand for a change from the 1886 plan, even after the issue had been brought to public attention by the President's message in 1945.[24]

The new plan can be criticized, moreover, on the ground of constitutional unsoundness. One possible infirmity arises from the stipulation in the Constitution that the person named by Congress as a successor must be an "officer" of the United States. It is a debatable question whether a member of Congress is an "officer of the United States" in the sense in which the term is used in the section of the Constitution dealing with the

[23] During Senate consideration of the Wherry bill, Senator McMahon, Democrat, of Connecticut, proposed a substitute amendment which would have continued the 1886 law in effect, with modifications. Additional sections would have required the reassembling of the previously chosen presidential electors to elect a new president and vice-president to fill out an unexpired term in case the succession should reach one of the officers named in the statutory line, but only in the event that the vacancy should occur at least 120 days before the time for election of a new president and vice-president to a regular four-year term. The McMahon substitute was rejected without a roll-call vote. *Cong. Record* (current) 80th Cong., 1st Sess., pp. 7936–7937, 7949–7950.

[24] The American Institute of Public Opinion reported in March, 1947, that 41 per cent of those polled preferred to place the speaker next in line, as proposed by the President; 44 per cent favored the secretary of state, as provided in the 1886 law; and five per cent were undecided. See American Institute of Public Opinion, *News Release*, Mar. 17, 1947.

succession.[25] Even if the point be conceded that a member of Congress is constitutionally eligible to be named in the line of succession, further difficulty remains. The Constitution declares that no person holding "any office under the United States" is eligible to a seat in Congress.[26] This presents a dilemma for supporters of the theory of succession embraced by the new law. Although the Constitution does not require them to be such, the speaker of the House and the president *pro tempore* of the Senate have always been members of their respective houses, with all the powers and privileges that go with membership. Hence if the position of "acting president," as it is termed by the new act, is an "office under the United States," a speaker or president *pro tempore* must resign his seat in Congress and, consequently, his post as a presiding officer as well, upon assuming the status of acting president. If the position is not an "office under the United States" and the succeeding officer is permitted to hold it while still retaining his seat in Congress, there results a joining of the powers and duties of the head of the executive branch with those of a member of the legislative department—a result wholly repugnant to the constitutional theory of separation of powers.

In the 1792 law, Congress chose the second horn of the dilemma. In the 1947 law, it chooses the first and meets the constitutional obstacle by requiring a succeeding officer to resign his legislative posts. But in so doing it may have violated the Constitution in another way. The wording of the authorizing clause and the history of its origin reveal a rather clear intent on the part of the framers to enable Congress to determine to what office of the government the powers and duties of the president might be *temporarily annexed*, pending the selection of another president or the re-

[25] Limitations of space make it impossible to review the precedents and judicial decisions bearing on this point. It should be noted, however, that whether a member of Congress is an "officer of the United States" in the constitutional sense is not solely the issue in this instance. The new act makes the presiding officers of the two houses eligible for the succession because they hold the position of speaker or president *pro tempore*, and not because they hold seats in Congress. Hence the real issue is whether the incumbents of these positions are "officers of the United States." Furthermore, the empowering clause in section 3 of the Twentieth Amendment, upon which the new law rests in part, does not require the person designated to act as president in the contingency therein mentioned to be an "officer" of the United States. For an able exposition of the case against the constitutionality of the 1947 law on this and other grounds, see the memorandum prepared by the staff of Senator Hatch and presented during the Senate's deliberations. *Cong. Record* (current), 80th Cong., 1st Sess., pp. 7932–7936. Representative Michener, Republican, of Michigan, chairman of the House Judiciary Committee, received an opinion from Acting Attorney General McGregor on June 11, 1947, in which the proposed legislation was held to be constitutional. *Ibid.*, pp. 8792–8794.

[26] Art. I, sec. 6, par. 2.

covery of one who is unable to act.[27] An "acting president" would exercise, in addition to the powers of the office he holds, the powers and duties of the president. Continued occupancy of the office to which the powers of the presidency are temporarily joined is the *sine qua non* of the arrangement.[28] The new act entirely disregards this consideration.

Although the new legislation styles an officer succeeding to the presidency by its terms an "acting president," its other provisions belie this title. Congress has simply interpreted the authorizing clause as conferring power upon itself to create the posts of second vice-president and third vice-president and to attach these titles *ex officio* to the speakership and presidency *pro tempore*. When the reason for assumption of the office is the death, resignation, or removal of both the president and vice-president, a speaker of the House under the act of 1947 will—as does a succeeding vice president under similar circumstances—*become the president* for the remainder of the regular four-year term.[29] He will serve out the regular presidential term even though the term of congressional office which made possible his reaching the presidential chair has expired in the meantime. In its zeal to establish a more "democratic" system of succession, Congress has devised one under which it is possible to have a new variety of "lame duck" president for two years!

Perhaps the most serious criticism of the new act is that it is "piecemeal" legislation. It leaves unanswered many questions which can conceivably arise in connection with determination of the rightful occupant of the presidential office. How shall presidential disability be established?

[27] The clause which confers power on Congress to legislate on the succession was proposed by Edmund Randolph. His motion provided that the officer designated to act should serve "until the time of electing a President shall arrive." Madison objected to this phraseology, pointing out that it would "prevent the supply of the vacancy by an intermediate election of the President." He proposed a change to the language now found in the Constitution: "and he shall act accordingly until the disability be removed or a President shall be elected." James Madison, *Journal of the Federal Convention* (Scott ed., 1898), pp. 676–677, 708, 733, 757.

[28] Madison, in a letter to Edmund Pendleton shortly after passage of the 1792 law, which he opposed on various grounds, stated the point as follows: "Either they [the president *pro tempore* and the speaker] will retain their *Legislative* stations, and then incompatible functions will be blended; or the incompatibility will supersede those stations, and then those being the substratum of the adventitious functions, these must fail also. The Constitution says *what officers etc.* which seems to make it not an appointment or a translation; but an annexation of one office or trust to another office." *Writings of James Madison* (Hunt ed., 1906), VI, p. 95n.

[29] A vice-president, when assuming the powers and duties of the presidency because of the death of the incumbent, has come, by usage, to be recognized as "president," and not "acting president" as the Constitution would seem to imply. For a discussion of the origin and development of this usage, see Edward S. Corwin, *The President: Office and Powers* (rev. ed., 1941), pp. 53–55; Herbert W. Horwill, *The Usages of the American Constitution* (1925), pp. 58–87.

What shall be the procedure in the event that a presidential or vice-presidential candidate dies after the electors pledged to vote for him are chosen, but before those electors are able to cast their ballots for him? What shall be the procedure in the House or Senate if one of the eligibles should die when the choice of a president or vice-president devolves upon it? The manner in which these and related questions shall be settled should be determined by appropriate legislation or by constitutional amendment before an emergency situation involving them actually arises. It is unfortunate that revision of the system of succession was not made the occasion for careful study of all aspects of electoral procedure as well as the succession with a view to legislation clarifying all obscurities and supplying all omissions.[30] It is earnestly to be hoped that the passage of the new Presidential Succession Act will not become an excuse for abandonment or diversion of efforts now being made in Congress toward achieving this broader goal of constitutional amplification and clarification.

THE GOVERNOR'S VETO IN PENNSYLVANIA

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The veto power is well known as one of the primary sources of the strength of a governor. Especially in the 38 states which give their chief executives the right to reject items in appropriation bills, the governors have been able to mold legislation to their liking. In a few states, including Pennsylvania, the power to veto items has been expanded to include the authority to reduce any item. Probably in no state in the union has the veto been a more effective club in the hands of the governor than in Pennsylvania. A study of the veto record in Pennsylvania over the past eight years reveals the extent to which the governor's will has prevailed.

The constitutional provisions concerning the veto in Pennsylvania are not unlike those in a number of other states. The governor may, within ten days after the passage of a bill by the General Assembly, disapprove it. If he fails to act within that period, the bill, unless approved by the legislature just before adjournment, becomes law without his signature. In addition, he is given the power to veto individual items in appropria-

[30] In line with this approach to the problem, five minority members of the Senate Committee on Rules and Administration filed a minority report against the Wherry bill in which they urged passage of the Green-Smith resolution, *supra*, note 9, as a preliminary to any change in the succession law. Unsuccessful efforts to recommit the Wherry bill with this object in view were made during Senate consideration. See S. Rept. 80 on S. 564 and the *Cong. Record* (current), 80th Cong., 1st Sess., pp. 7938, 7948.

tion bills.[1] The legislature may override any veto by a two-thirds vote of all the elected members of each house. A bill which is passed during the ten days before the close of the session becomes law unless vetoed by the governor within 30 days after the adjournment.

During the period from 1939 to 1946 inclusive, the General Assembly passed a total of 2,174 bills. Arthur James, who served as governor from 1939 through 1942, vetoed 144 bills in their entirety, and also sliced off all or a part of 304 items in the appropriation bills. Governor Edward Martin (1943–46), a less ardent pruner, rejected 85 complete bills and reduced or struck out 49 appropriation items. The two governors together vetoed in their entirety ten and one-half per cent of all bills passed by the General Assembly. The detailed figures can be seen in Table I. It should be noted

TABLE I

	Bills passed by legislature	*Vetoes of complete bills*	*Items struck out of appropriation bills*	*Items reduced in appropriation bills*
1939	545	71	5	183[a]
1940 (spec. sess.)	17	—	—	10
1941	496	68	15	85[a]
1942 (spec. sess.)	33	5	2	4
1943	494	40	—	16
1944 (spec. sess.)	7	—	—	—
1945	582	45	1	32
Total	2174	229	23	330

[a] Of the 183 reductions in 1939 and the 85 in 1941, a total of 204 represented decreases in appropriations voted to individual state-aided hospitals.

that the usual Pennsylvania political pattern prevailed during most of these years—the governor and the members of both houses of the legislature belonged to the same party. In 1941 and 1942, however, Republican Governor James was dealing with a Republican senate and a Democratic house of representatives.

For over twenty years, Pennsylvania has had an executive budget. A governor, armed with the Pennsylvania type of item veto, has full power to hold appropriations down to his budget figures. As a practical matter, of course, a chief executive may find it politically desirable to acquiesce in some of the legislature's suggestions for larger expenditures. Generally speaking, however, the governor's budget is enacted into law in much

[1] The expansion of the item veto to include the power to reduce items was approved by the state supreme court in Commonwealth v. Barnet, 199 Pa. 161 (1901).

the same form as originally drafted. In 1939, for example, Governor James presented to the legislature a budget for the biennium totaling $377,171,000. The General Assembly, more generously inclined, added two and one-half per cent, bringing the total to $386,290.000. But the governor cut it back to $376,065,000, which was slightly under his originally suggested figure. Although Governor Martin did not enforce as rigid a budget on the legislature as did his predecessor, he nevertheless used the item veto effectively; in the 1945 session, for example, he slashed appropriations by $21,808,000, or approximately four per cent of the amount passed by the legislature. It is interesting to note that, of the total amount of appropriations vetoed during the eight-year period of this study, about 78 per cent resulted from the reduction, not the complete rejection, of appropriation items.

Such reductions discourage the acceptance of responsibility by the legislature. When a legislator, even though opposed in principle to an appropriation, is reasonably certain that the governor will slice it down to more moderate size, he is tempted to bolster himself politically by voting large sums of money to a popular cause. Indeed, one may wonder that larger appropriation bills are not presented to the governor for his whittling. Table II compares the total budget and appropriation figures for each regular session of the legislature.

TABLE II

Session	*Total budget for the biennium*	*Amount passed by legislature*	*Amount vetoed by governor*	*Amount approved*
1939	$377,171,000	$386,290,000	$ 10,225,000	$376,065,000
1941	361,944,000	408,102,000	50,990,000	357,112,000
1943	345,335,000	383,399,000	1,695,000	381,704,000
1945	479,688,000	538,651,000	21,808,000	516,842,000*

* It is perhaps significant that, following the governor's approval in 1945 of appropriations higher than his suggestions, the budget estimates of income for the biennium 1945–47 were revised upward to a point which indicated that there would be no deficit in spite of the increased spending. The income revisions later proved entirely justified. Income more than matched expenditures also in the 1943–45 biennium, notwithstanding the governor's approval of appropriations ten and one-half per cent above the budget figures.

When vetoing items in appropriation bills, the governors customarily did not give detailed reasons, but often merely stated that their action was necessary "because of insufficient state revenue." When vetoing complete bills, however, the governors usually gave detailed explanations. The principal reasons for full vetoes can be classified under four headings: bill defective because of bad drafting, bill of doubtful constitutionality,

bill unnecessary or similar to another bill already signed, and bill generally undesirable in the opinion of the governor. Not infrequently, two of these reasons were listed in a single veto message. An analysis of the messages of Governors James and Martin shows that a major factor in 62 per cent of the full vetoes was the governor's judgment that the bill was undesirable. Only eight per cent of the vetoes were at least partially occasioned by the governor's doubts as to the constitutionality of bills. The number of defectively drafted bills appears rather high and may point to some carelessness on the part of the General Assembly. It should be noted, however,

TABLE III

GOVERNORS' REASONS FOR THE 229 VETOES OF COMPLETE BILLS

Session	*Bill poorly drafted*	*Bill unconstitutional*	*Bill unnecessary*	*Bill undesirable*	*Miscellaneous*
1939	12	9	13	42	4
1940	—	—	—	—	—
1941	9	5	9	53	5
1942	1	4	—	—	—
1943	7	—	1	24	8
1944	—	—	—	—	—
1945	7	1	6	24	13
Total (257)*	36	19	29	143	30
Percentage of the 229 vetoes	16	8	13	62	13

* This total is higher than the 229 bills vetoed because of the inclusion of two principal reasons in some veto messages.

that bad drafting was given as the sole reason for veto in only relatively few instances; in 21 of the 36 vetoes in which the governor declared bills defectively drawn, other grounds for rejection were stated.

The full significance of the veto authority of the governor of Pennsylvania is not apparent until it is understood that in practice the power is almost absolute. Only once in the present century has the legislature overridden a veto. A combination of circumstances has accounted for this record. The constitutional requirement of a two-thirds vote of all elected members of both houses is in itself difficult to meet. Only occasionally is any attempt made to meet it. A house of the legislature, when it receives a bill and accompanying veto message from the governor, usually lays it, rather perfunctorily, on the table, from which it never rises. Even though a bill may originally have passed both houses by unanimous vote—as not infrequently happens—rarely is any effort made to resurrect it. Only once in the period of this study was a motion offered to override a veto.

The bill, which would have amended the milk control law,[2] had passed the house by a vote of 200 to 0 and the senate by 46 to 2. The governor's veto was sustained in the house, however, by a vote, on the motion to override, of 115 yeas to 75 nays.

Because it passes most bills in the last few days of a session, the General Assembly completely precludes any legislative review of most vetoes. Such legislative procrastination is traditional. It was reported in 1924, for example, that "of the total number of appropriation bills and items which the [Pennsylvania] governors disapproved or reduced, ninety-eight per cent were disapproved or reduced in the thirty-day period" following the adjournment of the legislature.[3]

This last-minute activity on the part of law-making bodies is, of course, not unique to Pennsylvania. The mountain of unfinished business faced by most state legislatures at the end of a session has been one of the most pressing arguments for the establishment of legislative councils. It is of more than passing interest, therefore, to note that Pennsylvania's legislative council,[4] although it has had a generally commendable record in its ten years of existence, has not had the effect of avoiding the log-jam of bills just before adjournment of the General Assembly. The record of the1945 legislature is typical—of 537 laws enacted that year, only 183 were presented to the governor in time to receive his approval before the adjournment of the legislature; moreover, 42 of the governor's 45 full vetoes and all of his item vetoes were given after the close of the session. The total figures for the four regular sessions of the General Assembly during the period of this study show that only 14 of the 224 vetoes of complete bills and only 17 of the 337 vetoes of items in appropriation bills reached the legislature before adjournment. The legislature, in other words, is to a large extent responsible for conferring on the governor an absolute veto power.

The legislature, however, is not alone at fault for the scramble at the end of a session. Particularly with respect to appropriations, the lawmakers sometimes are handicapped in getting down to business quickly because the executive budget is not presented to them sufficiently early in the session. For some years, the administrative code of the state provided that the governor should submit his budget "as soon as possible and not later than four weeks after the organization of the General Assembly." This deadline, however, was difficult for a newly elected governor to meet, since the constitution provides that the legislature shall convene on the first Tuesday of January, while the governor is not inaugurated until the third Tuesday of the same month. The administrative code was amended

[2] H. R. 124 of the 1941 session.

[3] See Roger H. Wells, "The Item Veto and State Budget Reform," in this REVIEW, Nov., 1924, pp. 782–791.

[4] The Joint State Government Commission.

in 1939, therefore, to require merely that the governor submit his budget as soon as possible. In actual practice, budgets have been presented as follows: 1939, February 27; 1941, February 3; 1943, March 1; and 1945, January 2.[5]

That the legislative machinery does not get into high gear early in the session, even when the budget is submitted promptly, is illustrated by the history of the general appropriation acts. In each regular session, one such bill includes roughly one-half of all the appropriations voted for the biennium. The bill of 1939, for example, was not referred to committee in the house until May 17 and was sent to the governor, by a vote of 195 to 0 in the house and 47 to 0 in the senate, on the final day of the session, May 29. Similarly, in the sessions of 1943 and 1945, both of which adjourned early in May, the general appropriation bills were not introduced before the middle of April. A general appropriation bill ought to be one of the first measures introduced in each session, and should be acted upon by both houses in time to permit legislative consideration of any item vetoes by the governor. The present procedure comes too close to complete control of the purse strings by the governor rather than by the legislative representatives.

The predominant rôle of the governor in the legislative process was further highlighted by the General Assembly's handling of the general appropriation bill of 1941. When this measure produced a conflict between the Republican senate and the Democratic house, the argument was tossed into the governor's lap for settlement. The senate, rather than send the bill to a conference committee and a probable deadlock, voted 32 to 0 to send it to the governor, who explained that "the senate has passed the bill, objectionable as some of its provisions are, in the same form as it was received from the house, and has left it to the governor's constitutional power to correct such conditions as it can."[6]

Realization of the potential power of the governor's veto weapon appears unduly to have tamed the legislators. The General Assembly must not allow itself to drift into a position of impotence. The lawmakers, at the very least, should better spread their work over an entire legislative session and thereby reclaim their right to consider executive vetoes.

[5] The governor, who holds office for four years and cannot succeed himself, should have no real difficulty in meeting a deadline during the regular legislative session at the beginning of his third year in office. Thus, Governor Martin was able to submit his budget early in 1945.

[6] *Appropriation Acts of the General Assembly*, 1941, p. 47. The House felt the sting of the governor's veto after it voted to appropriate to the department of commerce an amount 17 per cent less than the governor had recommended in his budget. Governor James retaliated by reducing the appropriations for both the department of the auditor-general and the treasury department to points 17 per cent below his budget suggestions; these were the only two departments headed by Democrats.

PUBLIC ADMINISTRATION

PUBLIC ADMINISTRATION IN THE ATOMIC AGE

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I. IT COULD HAPPEN

On September 23, 19..., in Roscommon county in the Southern Peninsula of Michigan, the county clerk called the local officials together at the court house. Of the county administrators, the sheriff, treasurer, prosecuting attorney, circuit court judge, register of deeds, health and welfare administrators, and highway engineer were present. Many of the township supervisors had managed somehow to reach the court house in spite of the streams of refugees pouring northward from the destroyed industrial cities of southern Michigan. Already the county was bursting with new and unforeseen problems of public administration. The traffic jam on U. S. highway 27 from Lansing northward was something beyond the memory of the oldest living inhabitant. Near Houghton Lake, this traffic was jammed by another stream which had followed U. S. 23 northward from Saginaw and Bay City, turning inland at Standish by way of state highways 76 and 55 to connect with U.S. 27. The flight of stampeding and determined refugees was flowing like a river through the county seat of Roscommon and ever northward toward Cheboygan and Mackinaw City at the tip of the Lower Peninsula of Michigan.

"This meeting was called," said the clerk, "to discuss how we can handle this emergency. One of the state police officers who has been on reconnaissance with a deputy sheriff will tell us what we are up against in this area. For 36 hours our telephone and telegraphic communications with Washington and Lansing have been out. We are on our own and must make the best of a terrible emergency."

At this point a weary and dusty state trooper came forward and began to narrate slowly and doggedly. He said the roads were choked with cars, trucks, trailers, horse-drawn vehicles, and handcarts, from Lansing and Bay City northward. Detroit, Pontiac, Lansing, Saginaw, and Ann Arbor had been atom bombed. Everyone was scrambling to get out of the southeastern industrial region of the state. It was reported on the police radio net that Washington, New York, Chicago, and other cities had been hit. The country had taken a beating. The governor had escaped and had proclaimed martial law; national guard units were in motion and would take over the preservation of law and order. Disaster units of the American Red Cross were being rushed to stricken areas. Pending further orders,

the governor had instructed all county officials to meet and take necessary steps to provide for the streams of refugees pouring northward.

Already gas supplies were running out. The number of collisions and wrecks could not be estimated. Part of this toll was due to efforts to drive at night without lights through the blackout hours. Cars were stranded beside the highways. Families were seeking shelter in farmhouses, offering fantastic prices for food and water. In the Houghton and Higgins Lake areas looting had already taken place in the summer cottage colonies, for it was September and many of these places were vacant. Fights between refugees and natives had occurred in several villages when the former muscled their way into food stores and depleted the stocks. People were taking over unoccupied cottages or camping out in clearings and pastures. Thousands were in need of medical attention. Some had died and had been buried by friends and relatives in shallow graves by the side of the roads. The refugees were still in a state of panic. (As he spoke, the steady rumble of traffic moving northward could be heard.)

The priorities for action were: (1) the preservation of law and order; (2) issuance of emergency orders for the rationing of all food stocks; (3) reservation of remaining supplies of gasoline for essential governmental vehicles such as police, sheriff, fire department vehicles, and ambulances; (4) opening of all schools and churches for shelter; (5) setting up emergency hospital units; (6) establishing compulsory billeting in private homes and farm-houses; (7) closing of all liquor stores. The governor had instructed all county officials to deal with these problems through local regulations best adapted to local situations until the state administrative agencies could be reëstablished and uniform instructions could be issued, with or without confirmation from Washington.

At this point the county clerk called for suggestions. . . .

Fantastic, incredible, the reader may say. The possibility is so remote that it is not worth while to plan for such an emergency! Only the scientist can give the answer as to the extent of probable destruction by atomic bombs. Only the course of international organization and international politics can give us the ultimate answer of war or peace, survival or destruction. If you could plan, how would you plan?

II. IT DID HAPPEN

In early May of 1945, the author was stationed in a remote village of France with Detachment E1F3, the Regional Military Government Detachment prepared to take over Bavaria in the inception of the occupation of Germany. Already in place in Munich, Detachment F1F3 signalled for reënforcement. A convoy of officers and men was made up to reënforce the Munich Detachment and to carry out reconnaissance on the status of civil administration in the state of Bavaria. Under my command, heavily

armed, and pursuant to orders, our convoy followed a route march from Saarbrücken to Mannheim, Karlsruhe, Stuttgart, Ulm, Augsburg, and finally Munich. No atom bombs had fallen, for the curtain did not rise on the atomic age until August, 1945. Yet German cities had been well pulverized by air attack with old-fashioned HE bombs and incendiaries. Würzburg and Nürnberg had been approximately 90 per cent destroyed. About 40 per cent of Munich lay in dreary rubble. In every city the fantastic shapes which ruin takes alerted the eyes and the smell of dead civilians lying in their city-wide tombs assailed the nostrils. We were seeing at first hand what Margaret Bourke White recorded so faithfully in *Dear Fatherland, Rest Quietly.*

The displacement of persons from Munich had transformed the *Hauptstadt der Bewegung* from a proud and fanatic city of 850,000 to some 400,000 bedraggled survivors moving like ghouls in the shadows of the ruins. Munich was "lucky," for electricity still came into the city from the grid, water still came from taps, and the sewers were reasonably "intact." No gas was available and the trams were not running. Looting was soon brought under control. The fire department still had personnel and equipment. Most of the Rathaus was still standing. People could find some kind of shelter in partially destroyed buildings. Enough of the city officials and employees had remained to form a core of administration, so that one of many key problems was denazification of those who remained on duty. As great cities take it in war, this was not a complete shambles. It can be worse when electricity is out, water supply fails, and sewers are completely disrupted. Judged by the standards of Cologne, Nürnberg or Würzburg, Munich was partially well off.

Würzburg was almost obliterated. A small ring of dwellings remained intact in the hills on both sides of the River Main. From a great distance the city seemed to be there, for the walls were still standing after the great fire fed by incendiaries and wind. In such a conflagration, walls and ashes remain. Once the holocaust is over, the survivors flee or take up residence in cellars like rats or in jerry-built structures like hoboes. One could drive through street after street of ruins. The remaining population seemed like pygmies when measured against the total task of reconstruction. A small band of ten men pulling down walls with ropes and hauling away débris with one or two trucks seemed to suggest fifteen years of effort.

In modern war, even steel assumes fluid shapes. Steel girders twisted into rounded loops remind one of his daughter's hair ribbons. Wherever looting occurs, it is "The Plough and the Stars" all over again. Perhaps you remember how in that great Irish drama by Sean O'Casey the tenants of the Dublin slums came forth with baby carriages and carts to loot while the heroes of the Easter-week rebellion, for a time, stood their

ground against the British. Gun-fire and destruction release some profound restraints which bind the social order together. However, in 1945, most Germans were fearful and obedient, searching for law and authority amid the shambles of their cities. They were amenable to: curfew; "freezing" of the population; restrictions on circulation; hand-outs of rationed food at the remaining or emergency food-shops; instructions to board up one or two rooms, cut wood and scrounge fire wood; and a hundred and one other "orders" which were suddenly plastered on walls or transmitted staccato over remaining radio stations. Rumor abounded. Newspapers no longer took want ads, but people learned to scrawl their needs for food and items on slips of paper which were thumb-tacked on the corner fence. For these needs they promised rare and old family treasures. So barter grew and black markets sprang into being. If steel can be twisted by war into unusual patterns, so can the lives of people be kinked, personalities disintegrated, social order badly strained, and public administration rent and torn. While the great mass remains subservient to a civil order which does not really exist except as a front of authority presented by a few local officials, lawless elements will always seize the moment to test out the civil and military power in the area.

In one sense, almost a natural law operates. The more a city is destroyed, the more population is killed or evacuated. When it is all over, a smaller administrative problem is left, at least in terms of numbers of people. For an emergency period, this population can be handled by strict orders and first-aid measures. Problems are accentuated when population drifts back into the area as the refugees return to reëstablish residence. Then food and fuel, shelter and sanitation, become more acute. That is why French administrators wisely—for a time—prohibited refugees from returning to the bombed out towns in Normandy. In the first shock of war, people are not conscious of the long-run pull of reconstruction. The slump in morale which follows, as the bitter appreciation of tasks of reconstruction develops, does not appear immediately. Exhilaration from the rapid retrogression of events is matched with the elation of being still alive when so many did not survive. Some elements of the municipal administration—police, fire, public health, and public works—remain and give promise of order and reconstruction. The people do not know how baffled these administrators are and how little they are capable of at the moment.

In the rural areas, villages and small towns remain with less destruction. The individual farm-house is intact, and even war cannot destroy the bulk of the farmland. The rural peasant sows and reaps, war or no war. He is geared fundamentally to the seasons and more superficially to the fortunes of war and public administration. The rural people would make out reasonably well in war but for the shattered cities spilling the refugees over wide areas. Rural officials and mechanisms are rarely set up

to handle large-scale administrative problems without incessant instructions, orders, and supervision from the higher echelons of public administration. The German county officials knew how to carry on the routine of their units in accordance with previous patterns and new military government directives. But they were adjusted to looking to the *Regierungspräsident* of the administrative district and to the state government in Munich (to say nothing of Berlin) for policies and programs. Village populations were doubled and trebled by refugees. Local foodstocks had to meet indigenous demands, the needs of the refugees, the military government orders to supply rations to displaced persons. There was inevitably some friction between old established residents and the refugees.

The important "lesson" to be gleaned from the destruction of Germany in total war is that the higher echelons of public administration tend to be obliterated, while the local units of government carry on somehow or other under military orders. In Bavaria, during May of 1945 the state and administrative district governments were demoralized and disintegrated. First reconnaissance indicated that only city and county governments were operating under the immediate control of small American military-government detachments. The state and administrative district governments had ceased to exist. Buildings were blasted, records jumbled, and personnel in flight. In Munich, there was no Bavarian state administration. German civil administration had descended to the level of the county and the city. It took months to bring a semblance of order out of this civil administrative collapse. New officials had to be appointed; staffs had to be assembled; buildings and equipment had to be made ready. The state government was initially absorbed by its own housekeeping functions before it could begin to survey the total administrative problems of Bavaria. Denazification, a necessary and desirable process, punched holes in old staffs as they were reassembled and made the training of new personnel essential. Once a state government is all but obliterated, it takes months of the "impossible" to bring it into an operating, functioning condition. In atomic warfare, the possibility of wiping out the nerve centers of public administration seems to be even greater.

Matching first-hand knowledge of what happened in Germany against written accounts of the destruction of Hiroshima by atomic warfare can hardly be a scholarly exercise. My reactions after reading "A Reporter at Large" in the *New Yorker* for August 31, 1946, can be stated briefly for what they are worth. In Germany, cities were destroyed gradually, yet civil authority in the higher echelons of public administration ultimately evaporated prior to occupation or shortly before an area was overrun. Yet some semblance of public authority remained in cities and counties. In Hiroshima, the community was overwhelmed in a flash. The military units in the area, civil authorities, doctors, nurses, all of the agencies capable of

coping with disaster, suffered so many casualties themselves that the surviving civilians were suddenly placed on their own without authority or direction. Assistance had to be brought in from the periphery. The community had lost the capacity for local regeneration in the immediate future. While the community was preparing for old-style warfare by clearing fire lanes against possible spreading conflagrations from known types of air raids, the atomic era brought a new brand of doom.

The new world which we have brought into being by atomic warfare poses multiple problems for us in industrial locations, communications, and public administration. If there is a World War III, the United States must accept the inevitability of being within range of atomic bombs and guided missiles. Public administration must be adapted to known or possible eventualities. Every effort must be made so to organize and decentralize public administration at all levels as to promote the survival of civil authority.

III. REORIENTATION OF PUBLIC ADMINISTRATION

Atomic warfare requires decentralization of public administration. A planned attempt must be made to preserve the core of federal and state administrative personnel with capacity to control and direct in appropriate spheres of emergency action. All levels—federal, state, and local—must be surveyed with a view to planning for survival of administrative personnel and techniques.

Each community—not the city, but the actual community of city and satellite fringe areas—must have a more elaborate civil defense organization than that of World War II. In that already remote era, the emphasis was on the organization of police, fire, and utility personnel and civilian volunteers into a force capable of dealing with bombing incidents and resultant fires. Under air attack, England found that fire departments had to be nationalized. In the United States, the local communities under federal OCD directives organized for an attack which never came to our continent. The presumption was that no area could be overwhelmed in its defenses except by saturation bombing with HE bombs and incendiaries. With some exceptions in Coventry, London, and elsewhere, the English were able to handle "incidents" before they became conflagrations out of control. In the case of the atom bomb, the "incident" will be on no such scale. If a city of 100,000 can be virtually wiped out, or at least made untenable, by one bomb, it is clear that the entire local OCD force may also be destroyed.

This suggests that OCD organizations for the future should be based on a larger area than the city, possibly the county or groups of counties. Training should be reoriented from fire-fighting to techniques of entering atom-bombed areas, treating persons exposed to radio-active materials,

and controlling mass movements of people in panic and flight. Such an organization must be capable of handling the dead, wounded, and demented in an area having a radius of more than one mile from the point of explosion. That could mean 100,000 people in a densely populated city. It could be worse. It is fantastic, but this is the potential world in which we live. The local OCD will be obliterated or overwhelmed. A regional OCD based on counties or districts must be able to react to the crisis, moving in from the periphery. State units must be available to rush in support. Running cards must be developed like the running cards which city fire departments use to move equipment according to plan when second, third, and fourth alarms are sounded. Civilian defense must be expanded, regionalized, and redirected in preparation for explosions equivalent to 20,000 tons of TNT or more, with an aftermath of highly dangerous radioactivity.

Alert for atomic warfare will be a signal for mass evacuation of populations from cities. Only essential workers in industry, commerce, and supporting services, together with the necessary core of public servants to preserve order and turn the wheels of administration, will be left. Since millions of people will flee the cities anyway, plans must be made for orderly and controlled migration. The problems of evacuating population by the millions are many. (1) If the alert is not given before the first bombings, the chances for survival will be diminished; in any event, the first bomb or group of bombs will start mass movements either controlled or under panic conditions. (2) An allocation of priorities must be previously established: women and children first; men released from duty in the cities must assist in the evacuation. (3) Assembly centers must be created to process people out of the city with proper tagging for children and others as to name, residence, new destination. (4) Transportation by rail and auto convoys must be arranged and cannot be allowed to interfere with any necessary internal military movements. (In war areas, the army has all the priorities in rail and roads; civilians must do with what is left, even if it is an old bus and a secondary road.) (5) Reception centers must be arranged in new areas where shelter and food-stocks will already have been planned. (6) Compulsory feeding of refugees will be necessary in receiving areas. (7) Law enforcement, medical, food, shelter, and other problems will rise sharply in the receiving areas, and local administrative personnel must be ready to expand and to make appropriate use of volunteer services from among the refugees.

Mass evacuation is not a municipal and county administrative detail. It must be planned, organized, and policed by state authority, using local officials wherever possible. In the industrial Northeast, it transcends state lines. Federal planning and direction plus state and local operations are all called for if there must ever be American mass evacuations upon

threat of atomic warfare or actual hostilities. The planning and organization must be designed to encompass at least the seven phases listed above: alerts, priorities, assembly, transportation, reception, billeting, and public administration in receiving areas. Anyone who has witnessed the evacuation of London populations in the face of air raids and buzz bombs knows that evacuation is a complex of organization, procedural, and operational details.

If the state capital has been atom bombed and state administrative staffs decimated, the state will be ineffective at the most crucial juncture in administration. General von Epp understood this when he issued an order during April, 1945, dividing the staff of the Reich governor in Bavaria and sending one section to an isolated farmhouse south of Munich. After the occupation, this small staff, with tons of records, was still intact—although because it contained many Nazis it could not be used as an administrative core. Our state administrative staffs might well be divided into three sections: A, B and C. Each section should have a representative staff capable of dealing with all types of auxiliary functions such as budgeting, personnel, purchasing, and all types of line services such as police, highways, public health, and welfare. Section A could remain at the state capital, but sections B and C would be moved to previously designated remote areas such as Roscommon county, Michigan. Three alternative sections would give a better chance for survival. If one remained, it should be capable of operations within its own sphere of administration and some coördination of the efforts of county or regional OCD organizations. Fortunately, state police are already decentralized into substations. But there is a need for alternative command posts in the event that existing state police headquarters are bombed out. The idea is this: to plan for the survival of at least one nerve center of state administration. Reasoning from Bavarian experience, the farm-house echelon is a sound technique. In our states, we have many conservation camps and other state facilities in rural areas which might be temporary headquarters of "reserve" administrative sections.

At the federal level, decentralization has already taken place to some degree without reference to the atomic age. In August, 1946, fifty-five pages of print were required to list the regional offices of federal departments and agencies. To the layman, the federal government may be concentrated in Washington, D. C., but it also pervades the forty-eight states through field offices. However, as every one knows, these field offices of the various departments and agencies cover a wide disparity of regions. In the atomic age, what is needed is a number of federal-authority centers, with integrated control over all federal activities in a given regional area. Each of these federal-authority regions might well have a single administrator responsible for carrying on federal administration in

the area even though communications with Washington be severed. British experience in World War II led to the establishment of regional commissioners with a dual responsibility: to coördinate operations of central governmental agencies as to civil defense and to assume all powers of the central government in the event that the region were cut off from London by invasion or other war emergency. Accordingly, the concept of federal-authority centers is by no means remote or theoretical. Admittedly, it is a more complex and comprehensive administrative problem for us in the continental United States.

Our best chance for the survival of public administration rests in local self-government with an expanded and redirected Civilian Defense Organization and all reasonable precautions for the maintenance of federal and state civil authorities with residual powers of command and coordination. The only other major alternative would be to "let the Army do it" through the various Service Commands. But atomic warfare will find the Army well employed with duties other than looking after civilian populations. In war, the business of a civilian population is to support the Army, not to be a drain on Army operations, personnel, and equipment.

War is a great tragedy, but it is not averted by being unprepared for eventualities. There is still time to plan for federal, state, and local administration in the atomic age. If the plans need never be used, so much the better.

ESTABLISHMENT BOARDS IN THE FEDERAL CIVIL SERVICE

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Legal Basis. On February 4, 1946, President Truman, by Executive Order 9691, further decentralized personnel administration to the departments and agencies. The order states: "In order to assure the maximum utilization, in the recruitment and placement of persons for the Federal service, of the field service resources of the departments and agencies, the Civil Service Commission, after consulting the departments and agencies concerned, may establish United States civil service boards of examiners in the field service, composed of officers and employees of the departments and agencies concerned." Boards of examiners are not new. The Civil Service Act of 1883 directs the Commission, "where examinations are to take place," to "designate and select a suitable number of persons, not less than three, in the official service of the United States, . . . after

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consulting the head of the department or office in which such persons serve, to be members of boards of examiners . . . ." The Commission "may at any time substitute any other person in said service . . . in the place of anyone so selected." Civil Service Rule IV, promulgated by an earlier President in accordance with the basic act states: "The Commission shall designate from among persons in the Federal service . . . such boards of examiners as it shall deem necessary. Their members shall perform such duties as the Commission may direct, in connection with the execution of the Civil Service Act and these Rules, and in the performance thereof they shall be under the direct and sole control of the Commission. Such duties shall be considered part of the duties of the office in which they are serving, and time shall be allowed therefor during office hours."

Kinds of Boards. As a consequence, two general types of boards were put into active operation: "local boards," to serve principally as information and examination-monitoring centers for a certain geographical area; and "rating boards," to recruit applicants and to rate applications (unassembled examinations) for trades and labor positions in federal establishments such as ordnance depots, navy yards, air fields, engineer districts, arsenals, and reclamation projects.

Most of the "local boards" were, and still are, located in the Post-Office Department. Each first- and second-class post-office has one. Examinations for positions in establishments which had "local boards" were rated by the Commission. The registers for some of these examinations, notably clerks and carriers in the post-offices and mess and hospital attendants in the Veterans Administration, were "decentralized" to the "local board" in order to expedite selection and placement. The secretary of the board certified eligibles in proper order and audited selections.

World War II prompted an extension of the functions of "local boards," particularly those in post-offices. Some of the post-office boards in war centers engaged in rating unassembled examinations and in certifying eligibles for lower-grade clerical, trades, and labor positions. Even those in smaller communities were frequently called upon to pass upon the eligibility of applicants for clerical, typing, and stenographic positions in war price and rationing board offices of the Office of Price Administration. Since VJ Day, however, "local boards" have concentrated on administering and monitoring assembled examinations as requested by the Civil Service Commission's central office, regional offices, or rating boards. At the larger post-offices, they maintain registers of eligibles for clerk and carrier positions and certify such eligibles. The secretary of the board is available to give information on civil service examinations, veterans benefits, etc.

World War II caused an expansion in the number and functions of "rating boards." Previously they had concentrated on unassembled ex-

aminations. During the conflict, many took on the conduct and rating of assembled examinations, particularly in the lower-grade clerical fields. The limits of the grades of the labor and trades positions for which they were authorized to recruit and examine were raised. The new program, directed by Executive Order 9691, calls for even greater expansion in "rating board" activities. These boards are now recruiting, examining, and certifying applicants in the professional, sub-professional, technical, scientific, and administrative fields and at the highest levels. Agency participation in recruiting and examining through the use of "continuing" and "panel" members drawn from subject-matter specialists is the key to the new concept. To emphasize this unprecedented delegation of authority, a change in the name of the type of board seemed appropriate. They are now generally referred to as "establishment boards," although the term "rating" has not completely disappeared and in the minds of some observers is a more accurate designation.

Functions of Establishment Boards. Establishment boards are, in effect, offices of the Civil Service Commission and are, therefore, under the direct supervision of the Commission's regional directors. They have power to issue examination announcements, conduct assembled and unassembled examinations, establish and maintain registers of eligibles, certify eligibles, audit selections in compliance with the Civil Service and Veterans' Preference Acts, authorize temporary appointments in the absence of registers, maintain necessary files and records, examine for promotion, reinstatement, transfer, and reassignment, and prepare reports to the Civil Service Commission's regional office. These activities are handled in accordance with standards and procedures issued by the Commission and its regional directors. Boards develop and recommend qualifications standards and tests, and they distribute their examination announcements directly to the secretaries of local boards in the area of publicity.

After receiving, from the Commission's regional office, approval of dates for assembled examinations, they notify the local secretaries at examination points, send admission cards to applicants, and distribute examination papers to local secretaries. Secretaries of local boards are expected to give the same service to establishment boards in distributing announcements, obtaining publicity, and in conducting assembled examinations as they do to the regional office. Assembled examination papers are returned to the establishment board from which issued, and establishment boards are empowered to reopen some examinations for ten-point veterans. When such an examination is of the assembled type, and is to be held in the city in which the board is located, it is scheduled by agreement between the establishment board secretary and the local secretary. The scheduling of an examination in another city is a matter which is referred to the regional office.

Organizational Pattern. The continuing board usually consists of three members. Large, complex, and cumbersome continuing boards should be avoided, as they have a tendency to slow up action and decision. One member is designated chairman, another is designated executive secretary, and a third is designated simply a member. If a physician is available, he may be added to render medical advice. Part-time examiners, known as panel members, are chosen as needed from employees of the establishment to assist in examining applicants for positions in specialized fields. Panel members rate papers only in fields in which they are proficient. Members are nominated by the head of the establishment and approved or disapproved by the Civil Service Commission's regional director. Membership in establishments operated by the military is generally confined to civilians.

If a board services more than one installation, it usually has more than three members. It is customary to select the chairman, executive secretary, and one member from the largest installation. Each of the other installations is then entitled to one additional member.

It is well to avoid placing heads and assistant heads of establishments, and personnel directors and assistant personnel directors, on boards—particularly in the capacities of chairmen or executive secretaries. Such relationships might lead to public criticism on the ground that the same individual is recruiter, examiner, certifier, and appointing officer. Any appearance of domination by the chief of the establishment or his personnel director in the examining and certifying process should be shunned. Independence of decision and action by the board is essential.

The chairman should be a top administrator drawn preferably from the organizational level immediately subordinate to the assistant chief of the establishment. He comes from top management in order to give the board proper direction and prestige. If possible, he should be the chief of the division having the most employees. From the very nature of his position in the establishment, he would have a general knowledge of, and an interest in, recruiting and hiring in the area. The other member should, like the chairman, be a high-ranking administrator from the division-head level. If possible, he should be the chief of the division having the second-largest number of employees.

Executive Secretary. The executive secretary is responsible for the execution of the administrative and clerical operations of the board. In small establishments, his is a dual position and the incumbent is generally chosen from among employees engaged in personnel work. Because the executive secretary actually directs the day-to-day operations of the board, he assumes considerable importance in the eyes of employees of the establishment and the general public in the surrounding area. To them he is the board, and his position in the agency should be on a sufficiently high level to command the respect of employees. In performing his execu-

tive secretary duties, he will then be given automatically the regard the position deserves.

In boards at establishments which have two hundred or more employees or in central boards which service a number of establishments whose total personnel amounts to two hundred or more, a full-time executive secretary position is strongly recommended; and this recommendation is based on the following considerations. Experience shows that the volume of board work involved in recruiting, developing standards and tests, examining, maintaining registers, providing current registers, certifying eligibles, examining for promotions and reassignments, and numerous other functions, absorbs the full time of one or more persons. In performing his agency duties, a dual secretary reports administratively and functionally to some official in the personnel department. It is, therefore, difficult for him and his supervisor to regard him as under the functional supervision of the Civil Service Commission's regional director in the performance of Commission activities.

A dual secretary generally considers his agency duties as the more important and the more pressing. This natural attitude is accentuated when one already on an agency job is given the added assignment of secretary. He views the Commission's functions as a secondary responsibility, thus relegating the recruitment and examining program to the background. He is likely to perform these functions only when he feels that time permits. His supervisors tend to continue the assignment of agency duties without regard to the multiple civil service responsibilities.

Problems of identification, space, and location are also complicated. The dual secretary generally identifies himself to fellow-employees, supervisors, and the public by his agency title. Failure to identify his office or desk as that of the secretary frequently results. He tends to use his agency title in correspondence. His telephone number is listed only under his agency title. The location of his office or desk is governed by his agency functions rather than his accessibility to applicants interested in civil service examinations. Fellow-employees and the public find it difficult to differentiate between the agency and the Civil Service Commission activities of the secretary. The numerous papers and documents incident to board work require adequate filing equipment. Many of them are of a confidential nature. Efficiency of operation requires that the board files be separated from those of the agency and maintained as a distinct unit. With a part-time secretary, there is a tendency to combine or even interfile Commission files with those of the agency.

The allocation of full-time executive secretary positions is expected to be commensurate with the duties, responsibilities, and prestige of the position. Allocation standards have been published for grades CAF-9 ($4,149 yearly) through CAF-12 ($5,905 yearly) only.

Identification. The board should be viewed as a distinct organizational

entity within the establishment. On the establishment's organization chart, it should be dignified with a box of its own on the division level, i.e., on the line immediately below that of the head of the establishment. An unbroken line running from the board's box to the one listing the head of the establishment should appear. This shows the board's administrative relationship to the rest of the organization. The chart should carry a dotted vertical line running upward from the board's box to a box listing the Civil Service Commission's regional director. This shows functional direction by the regional director.

It follows that the board should be a separate physical entity located near the personnel office. Care must be taken to avoid identifying the board's office with the personnel division or one of its subdivisions, since the board is a functional arm of the Civil Service Commission. In a board which has a full-time clerical force, this staff should not be considered a part of the personnel division. Even in those small establishments where the board has no full-time executive secretary or staff, the distinction between board operations and agency operations must be clear. In performing Civil Service Commission functions, the board members and all clerks temporarily detailed to the board should take care to identify themselves as the board rather than agency representatives. If the establishment appears to subordinate the board's office to the personnel division, public criticism may result on the ground that the board is operating as a part of the personnel office rather than as a part of the Civil Service Commission. The location of the board's office, i.e., the office of the executive secretary, should be publicized so that applicants may be directed where to file applications. Appropriate signs properly placed facilitate identification. Boards use their own letterheads. The board's telephone number is listed in the city and establishment directories. Correspondence, including telegrams, concerning matters over which the board has jurisdiction is signed by the executive secretary in his capacity as executive secretary and not by the head of the establishment or personnel officer or some other official representing the agency solely. When a board is deactivated, its files, including such items as applications, examination papers, registers, certificates, correspondence, index cards, and handbooks, are forwarded to the Civil Service Commission's regional office. The board files should, therefore, be maintained separately from those of the agency.

Mail of all types addressed to executive secretaries is considered Civil Service Commission correspondence. Some of the material is extremely confidential, e.g., appeals, examination material, rating schedules, rating keys, and qualifications questionnaires. It is, therefore, quite important that executive secretaries see to it that their mail is not opened by some central mail unit in the agency. The same principle applies to outgoing

mail. All outgoing mail should be sealed in the board office. Safeguarding the confidential nature of board correspondence is particularly important in relation to character investigations and temporary appointments pending examination and certification. Character investigation is part of the examining process. There must be an unhindered, unreviewed, and direct channel of communication between the executive secretary and the Civil Service Commission's regional director. Embarrassing leaks in the central mail unit must be avoided.

In carrying on the rating procedures for both unassembled and assembled examinations, boards are expected to centralize the point at which examiners, examining clerks, continuing members, and panel members work. Panel members or others may not remove papers from the central location to their agency offices. The executive secretary is expected to have control over the papers at all times. When panel members and others are called upon to rate, the executive secretary arranges for a suitable room so that control of applications and examination papers is facilitated. This arrangement also prevents interruption of the rating process while the raters are assembled for that purpose.

Present and Future. When the expanded board program was evolved, the central office of the Civil Service Commission issued instructions and policies broad in nature. It was expected that in all agencies the more detailed organizational patterns, procedures, and controls would be worked out between the appropriate Civil Service Commission regional director and the heads of agency field offices under his jurisdiction. At this writing, a small number of agencies have not seen fit to decentralize to their field offices authority commensurate to that delegated by the Commission to its regional directors. In some agencies, the central offices are retaining minute controls over the boards that are in operation. A few central offices have insisted upon organizational patterns peculiar to their own agencies. The patterns are not in direct conflict with the one described earlier in this article, but by the requirement of additional members such as the heads of all divisions and minute classification of members into various categories, they make organization unnecessarily involved and cumbersome. In one instance familiar to the author, the board consists of sixteen members. If each agency were to develop its own complex organizational pattern, the difficulties incident to training, control, and operation would increase. Uniformity and simplicity of organization across agency lines is desirable.

A few central offices are retaining the development and final approval of qualifications standards and rating schedules on the Washington level, i.e., by negotiation between the agency's central office and the central office of the Civil Service Commission. This has unfortunately delayed the examining program in these agencies. Civil Service Commission re-

gional directors are unable to develop such standards and schedules in conjunction with heads of field establishments as was originally intended. The boards in these agencies must wait for the receipt of approvals by individual classes of positions before they may announce examinations. Unevenness of the supply in the varied labor markets throughout the country, and the possible need for different standards to meet peculiar situations, make it difficult to satisfy the demand for uniformity of standards and rating schedules. Participation by central offices and field offices is healthful, but it should not be permitted to delay the probational examining program. All boards should have direct communication with the regional Civil Service Commission office and have power to act on decisions made by the regional director without waiting for clearance from the central office of the agency. The order in which examinations should be scheduled can be determined best by those on the spot.

One agency has suggested that certain cases such as those rated ineligible and those that deal with eligibility at the level of division chief and above be referred to its central office for rating. This procedure is in conflict with the concept of decentralization. It restricts the authority of the board and the Civil Service Commission's regional director. Such positions are under the examining jurisdiction of the regional director. His supervision and control are impaired when ratings are handled outside of the region by persons who are not members of the board of examiners.

One agency contemplates uniform work reports to be submitted by the boards to the Civil Service Commission and the agency central office. This is a problem, however, that can be worked out better by the Commission's regional director and the boards in his region. The desirability and need for boards to make detailed reports to their central offices is questioned.

In those agencies which have decentralized fully, the board program is proving eminently successful. The benefits accruing from complete decentralization—particularly expeditious action in recruiting, examining, and placement activities—are becoming increasingly apparent. Through boards, operating chiefs are assuming responsibility for more of the personnel phases of management. Agencies which have been somewhat cautious in delegating the maximum degree of authority to the field have probably acted so in order to observe the effects of the full program in other agencies. They can be expected to reduce central office controls to a desirable minimum in the not too distant future.

INTERNATIONAL AFFAIRS

RELATIONS BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL LABOR ORGANIZATION

JOHN H. E. FRIED
International Labor Office

The International Labor Organization (hereafter referred to as "I.L.O.") took the first steps toward establishing relations with a new organization which would replace the League of Nations in the spring of 1944. The 26th Session of the International Labor Conference, which met in Philadelphia in April–May, 1944—the first regular session held since 1939[1]—adopted a resolution requesting the Governing Body of the International Labor Office "to take appropriate steps to assure close collaboration and full exchange of information between the I.L.O. and any other public organizations which now exist or may be established for the promotion of social and economic well-being."[2]

Acting on this recommendation, the Governing Body of the I.L.O., at its session of May, 1944, a few days after the close of the Philadelphia Conference, appointed a delegation composed of nine members of the Governing Body, its chairman, and the director of the International Labor Office, and authorized it to negotiate with any international authority in regard to the Organization's relationship to other international bodies. In January, 1945—still prior to the San Francisco Conference—the Governing Body reaffirmed the I.L.O.'s desire to be associated with the contemplated general international organization, "while retaining for the International Labor Organization the authority essential for the discharge of its responsibilities under its constitution and the Declaration of Philadelphia."[3]

At the invitation of the United States Government, the I.L.O. was

[1] Owing to the war, the regular yearly sessions of the I.L.O. could not be held in the years 1940–43 inclusive. The "Conference of the International Labor Organization" held in New York and Washington, D. C., in October–November, 1941, while giving the forty-one member states which were able to attend an opportunity to discuss matters of interest to the I.L.O., was not a regular session.

[2] International Labor Office (Montreal), *Official Bulletin*, Vol. XXVI, No. 1, June 1, 1944, pp. 89–91.

[3] Information Service, International Labor Office, *The Relationship of the International Labor Organization and the United Nations*, Aug. 14, 1946, p. 3. The "Declaration of Philadelphia" to which the resolution refers is the "Declaration Concerning the Aims and Purposes of the International Labor Organization" (*Official Bulletin*, Vol. XXVI, No. 1, June 1, 1944, pp. 1–3) adopted by the 1944 (Philadelphia) session of the International Labor Conference.

represented at San Francisco by a consultative delegation. The position of the I.L.O. within the new framework was discussed at some length at the Conference. The United Kingdom delegation proposed that the Charter of the United Nations should formally recognize the I.L.O. as the agency which would be primarily concerned with promoting "improved labor standards, economic advancement, and social security."[4] However, representatives of other countries, while prepared to recognize the I.L.O. as the agency primarily responsible for promoting improved labor standards,[5] thought it inappropriate to single out any particular organization for mention in the Charter itself. Thereupon, the United Kingdom delegation withdrew its suggestion.[6] In the words of the director's report to the 29th (1946) session of the International Labor Conference, "no declaration was made by the San Francisco Conference that the I.L.O. would be one of the international agencies to be brought into association with the United Nations. This situation . . . aroused considerable concern."[7]

Confronted with this situation, the Governing Body decided immediately (in June, 1945) that the Organization should continue to seek the fullest coöperation of all the united nations, and should proceed with the task of framing constitutional amendments designed to provide the necessary links with the U.N.[8] When the International Labor Conference met for its next (27th) session in Paris in November, 1945, the I.L.O. received expressions of support from the American,[9] British, French, and other delegations from Europe, Africa, North and South America, China, India, Australia, and New Zealand.[10] Nevertheless, to quote again the director's report, "the Paris Session of the Conference was preoccupied by

[4] U.N.C.I.O., *Proposed Amendments to the Dumbarton Oaks Proposals.* Doc. 157' II/3/5, pp. 10, 14. Trades Union Congress, *The New World Organization for Peace and Security, United Nations Charter* [Supplement to "*Labour*," Aug., 1945] (London, 1945), p. 23.

[5] L. M. Goodrich and E. Hambro, *Charter of the United Nations; Commentary and Documents* (Boston, 1946), p. 197; see also Great Britain, Foreign Office, *A Commentary on the Charter of the United Nations,* Cmd. 6666 (London, 1945), p. 10.

[6] *The New World Organization . . . , ibid.*

[7] International Labor Conference, 29th Session, 1946. *Director's Report,* p. 75.

[8] Information Service, *l.c.,* p. 3.

[9] The head of the United States delegation, Miss Perkins, declared: "I am instructed to make clear to you without the possibility of doubt that the U.S.A. intends to continue wholehearted participation in the work of the Organization," and added that President Truman had asked her "to reaffirm" without equivocation "that it is the settled policy of the U.S. government to seek for the I.L.O. a proper place within the framework of the coördinated effort of the United Nations." (Quoted by Mr. Phelan, director-general of the International Labor Office, in his reply to the debate on the director's report on Nov. 2, 1945; International Labor Office, *The I.L.O. and the United Nations* (Montreal, 1946), p. 5.

[10] *Ibid.*

the absence of any specific provision for relationship with the U.N. Fears were expressed by some delegates that the Economic and Social Council might supersede the International Labor Organization, or so exercise its powers of coördination as to diminish the Organization's freedom of action within its proper sphere." But "other delegates expressed the view that the coming into existence of the Economic and Social Council, far from weakening the I.L.O., would reinforce it. . . . The general view was, briefly, that the I.L.O. should be confident but not complacent; that it should . . . remodel and re-equip itself in order to discharge with enhanced efficiency its responsibilities, and should take all possible steps to facilitate the establishment of a close relationship with the U.N."[11]

Here, some remarks are in order concerning the changes in the constitution of the I.L.O. (which formed Part XIII of the Treaty of Versailles[12] and established certain ties between the I.L.O. and the League of Nations) in connection with the disappearance of the League of Nations[13] and the establishment of relations between the U.N. and I.L.O.

The desirability for the I.L.O. to "remodel and re-equip itself," i.e., to "review its existing constitution and practice in the light of its twenty-five years of experience" and in the light of the foreseeable changes in international organization, had been in the mind of the Governing Body as far back as 1943 when it decided to convene the 1944 Conference; that Conference examined various proposals for the revision of the constitution, and between the 1944 (Philadelphia) and the 1945 (Paris) sessions of the Labor Conference the discussion was continued by a "constitutional committeee" of the Governing Body. At the San Francisco Conference, the I.L.O. delegation made the statement: "We realize that it will be necessary to alter the Constitution of the I.L.O. in order to provide the necessary links with the United Nations and we are also in course of examining the constitutional changes necessary to enable us to do our work better." When the International Labor Conference met in Paris in October, 1945, it split the work on the revision of the constitution as follows: it adopted three amendments dealing with (a) membership in the Organization, (b) finance, and (c) the future amending procedure of the constitution; and for the rest appointed a "Conference Delegation on Constitutional Questions" composed of six government, three employers' and three workers' representatives, which was to report to the next (fall, 1946) session of the Conference. Some important changes of the constitu-

[11] *Director's Report, l.c.*, p. 82.

[12] Identical Parts XIII, containing the constitution of the I.L.O., were inserted in the treaties of peace with Austria (Treaty of St. Germain-en-Laye) and Hungary (Treaty of Trianon).

[13] Concerning the negotiations and agreements leading to the severance of connections between the I.L.O. and the League of Nations, see *Director's Report, l.c.*, pp. 76–82.

tion were, in fact, on the basis of the work of that Delegation and after careful consideration by the Conference itself, adopted by the 1946 International Labor Conference in Montreal. In the meantime, namely, by September 26, 1946, the amendments carried by the 1945 (Paris) Labor Conference had been ratified by the required number of member states and therefore came into force on September 26, 1946, while the 1946 Conference was sitting. For the present topic, it is interesting to note that although the constitution of the I.L.O. contained several references to the League of Nations, only a comparatively small number of changes were made prior to the negotiations between the U.N. and the I.L.O. (namely, at the 1945 Labor Conference); that these amendments had not come into force by the time the negotiations led to a full agreement; and that the greater portion of the amendments were adopted by the I.L.O.—to be submitted for the required ratification by the member states before they enter into force—after the agreement between the U.N. and the I.L.O. had been reached and, in fact, during the same session of the Labor Conference which ratified the agreement between the U.N. and the I.L.O. In other words, "the I.L.O. pursued, *simultaneously* with the negotiations with the United Nations, the task of remodeling its own constitution."[14]

This has, however, brought us ahead of our chronological report. To come back to the Paris Labor Conference in the fall of 1945: the three changes of the constitution contained in the Instrument of Amendment, 1945, there adopted deal, as said before, with membership, finance, and the amending process of the I.L.O. constitution.

Concerning membership in the I.L.O., the constitution, prior to the amendment of 1945, contained only the following provision (par. 2 of Art. 2): "The original Members of the League of Nations shall be the original Members of this organization, and hereafter membership of the League of Nations shall carry with it membership in the said organization." But, while this provision seemed to stipulate the principle of identical membership in the League and the I.L.O., in 1919 the admission of Germany into the I.L.O.—before her admission into the League—was discussed at some length in Paris even before the signing of the Versailles Treaty, and on October 30, 1919—one day after the opening of its first (Washington) session—the International Labor Conference, with the previous authorization of the Supreme Council, admitted Germany and Austria to membership in the I.L.O.[15] At the same Conference, a sharp difference of opinion arose as to whether the claim of Finland to be ad-

[14] *Director's Report, l.c.*, p. 85.

[15] Harold B. Butler, "The Washington Conference," in James T. Shotwell (ed.), *The Origins of the International Labor Organization* (New York, 1934), Vol. I, pp. 308–9. On "The Admission of the Central Powers to the International Labor Organization," see Edward J. Phelan, in Shotwell, *l.c.*, pp. 259–282.

mitted could be dealt with by the Conference: those asserting the power of the Conference to admit that state pointed to the German and Austrian precedent, while those denying such power considered the German and Austrian cases as exceptions and stressed the principle of coincidence of membership in the I.L.O with that in the League, allegedly contained in the above-mentioned paragraph 2 of Article 2 of the I.L.O.'s constitution.[16] At the 1919 session, the matter was settled by a compromise which left the question open; but it was later answered in the affirmative, and it became well established that the Conference might admit as members of the I.L.O. states which were not members of the League of Nations[17] (the outstanding example was the admission of the United States in 1934). In fact—although this never became a practical issue—the Labor Conference could have accepted a new member by simple majority, since the acceptance of such members was not among the items enumerated in the constitution as requiring a qualified majority.

By changing the old paragraph 2 of Article 2 and adding four more paragraphs to that article, the 1945 Instrument of Amendment makes the following distinctions: (a) states which were members of the I.L.O. on November 1, 1945: on that day, several states (including two ex-enemy states, Italy[18] and Hungary) which are not members of the United Nations were members of the I.L.O. (new par. 2 of Art. 2 of the constitution); (b) any member of the United Nations which is not a member of the I.L.O. can join the latter by "communicating to the director of the International Labor Office its formal acceptance of the obligations of the constitution of the I.L.O." (par. 3 of Art. 2). Thus, in the case of these states, no action of the I.L.O. is required, their unilateral declaration being sufficient for acquiring membership in the I.L.O.; (c) the International Labor Conference, by a two-thirds vote of those attending the session, including two-thirds of the government delegates present and voting, "may also admit members to the Organization." "Such admission shall take effect on the

[16] Harold B. Butler, in Shotwell, *l.c.*, pp. 309–311.

[17] Cf. Morellet, "Le Bureau International du Travail," in *Repertoire de Droit International* (Paris, 1929); Mahaim, *L'Organisation Permanente du Travail* (Paris, 1925). The view that the Conference was not empowered to accept memberhsip of states which were not members of the League was taken, particularly, by Anzilotti, in his minority report in the case of the admissibility of the Free City of Danzig to the I.L.O.—when the Permanent Court of International Justice decided that the Free City of Danzig did not qualify for membership because its external affairs were conducted by Poland, but expressly refrained from giving a decision on the power of the I.L.O. to admit new members which were not members of the League (cf. Cour Permanente de Justice Internationale, *Recueil des Avis Consultatifs*, No. 18, p. 19).

[18] Italy was admitted by the 27th (Paris) session of the Conference on October 19, 1945 (International Labor Conference, 27th Session, Paris, 1945, *Record of Proceedings*, pp. 25–27).

communication to the Director of the International Labor Office by the Government of the new Member of its formal acceptance of the obligations of the Constitution of the Organization" (par. 4, Art. 2). This procedure makes it possible to admit states as members of the I.L.O. which are not members of the U.N.

The constitution of the I.L.O., as laid down in Part XIII of the peace treaties of 1919, did not contain any provisions concerning the withdrawal of a member, the legal consequences of such withdrawal with respect to international labor conventions ratified by it, and its re-admission. The Instrument of Amendment stipulates that withdrawal becomes effective two years after the director of the I.L.O. has received notice of a member's intention to do so, "subject to the member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any International Labor Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto" (par. 5 of Art. 2). Finally, the amendment provides that any state which has ceased to be a member of the I.L.O. can again become a member by either of the above mentioned two admission procedures, as the case may be (par. 6 of Art. 2).

As far as the financial position of the I.L.O. is concerned, the original constitution stipulated that all expenses of the I.L.O. and of the meetings of the Conference and the Governing Body (except travelling and subsistence expenses of delegates, advisers, and representatives to be borne directly by the member states) "shall be paid to the Director by the Secretary-General of the League out of the general funds of the latter," and that "the Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this" provision.

In contrast, the 1945 Instrument of Amendment stipulates that (a) "the I.L.O. may make such financial and budgetary arrangements with the United Nations as may appear appropriate" (new par. 1 of Art. 13) and that (b) "pending the conclusion of such arrangements or if at any time no such arrangements are in force," the expenses of the International Labor Office and, in so far as they fall upon the I.L.O., of the meetings of the Conference or the Governing Body, "shall be paid by the Director of the International Labor Office out of the general funds of the I.L.O." (par. 2(a), (b) of Art. 13); lacking arrangements between the I.L.O. and U.N. providing otherwise, "the arrangements for the approval, allocation, and collection of the budget of the I.L.O."—matters which were previously in the hands of the League—shall "be determined by the Conference by a two-thirds majority of the votes cast by the delegates present" (par. 2(c) of Art. 13). Irrespective of whether the financial and

budgetary matters of the I.L.O. are to be regulated independently of, or conjointly with, the U.N., "the Director of the International Labor Office shall be responsible to the Governing Body for the proper expenditure of the funds of the I.L.O." (par. 5 of Art. 13).

As far as the amending process of the I.L.O. constitution is concerned, the 1945 Instrument of Amendment left unaltered the power of the Conference to revise the instrument by two-thirds of the votes cast by the delegates present; but changed it by easing the requirements for making such a Conference decision effective, and this in two ways: previously, ratifications from "the States whose representatives compose the Council of the League of Nations *and* three-fourths of the Members" of the I.L.O. were needed before a change in the constitution, adopted by a two-thirds majority of the Conference, went into force. Now, the required number of ratifications is lowered to two-thirds of the members of the I.L.O., with the proviso that these two-thirds must include five of the eight members of the I.L.O. which are represented on the Governing Body as members of chief industrial importance" (Art. 36 of constitution).

Apart from making these changes in the constitution, the 1945 (Paris) Conference adopted a resolution which " . . . 3: confirms the desire of the I.L.O. to enter into relationship with the U.N. on terms, to be determined by agreement, which will permit the I.L.O. . . . to coöperate fully for the attainment of these ends, while retaining the authority essential for the discharge of its responsibilities under the constitution of the Organization and the Declaration of Philadelphia; and 3: authorizes the Governing Body of the I.L.O. to enter, subject to the approval of the Conference, into such agreements with the appropriate authorities of the U.N. as may be necessary or desirable for this purpose."[19]

Under the United Nations Charter, the "appropriate authority to enter into agreements" with specialized agencies is the Economic and Social Council. And almost immediately after that agency was set up by the General Assembly of the U.N. in London in January, 1946, it decided, during its first session, to appoint a "Committee on Negotiations with Specialized Agencies" and directed it to "enter into negotiations as early as possible with the F.A.O., the I.L.O., the International Monetary Fund, the International Bank for Reconstruction and Development, and U.N.E.S.C.O."[20]

On the basis of informal consultations between officials of the Secretariat of the United Nations and officials of the I.L.O., a preliminary draft agreement was prepared for consideration by the Council's "Committee

[19] International Labor Office, *Official Bulletin*, Vol. XXVIII, Dec. 15, 1945, p. 19.

[20] *Journal of the Economic and Social Council*. No. 12, Apr. 10, 1946, pp. 131–133; Internat. Lab. Conf., 29th Sess., Montreal, 1946, *Report II(2), Constitutional Questions*, Part 2, pp. 1–2.

on Negotiations" and by the I.L.O.'s "Negotiating Delegation." The latter Delegation consisted of Mr. G. Myrddin-Evans, chairman of the Governing Body, as chairman, three government, three employers', and three workers' representatives, and Mr. Edward Phelan, the director of the International Labor Office (whose title has, in the meantime, changed to "director-general"). The opposite Committee was composed of Sir Ramaswami Mudaliar, president of the Economic and Social Council, as chairman, and representatives of eleven united nations; its United States member was Mr. John G. Winant, former director of the International Labor Office. After two days' negotiation, a draft Agreement was signed on May 30, 1946—the first to be signed with a specialized agency.[21] It was unanimously approved by the Economic and Social Council on June 21, 1946, by the International Labor Conference on October 2, 1946, and (with six abstentions) by the General Assembly of the United Nations on December 14, 1946. Pursuant to Article XX of the Agreement, it has been in force since that day.[22] It may be noted that the parties to the Agreement are, on the one side, the I.L.O. and, on the other side, the United Nations, and not the Economic and Social Council alone—which, according to Articles 63(1) and 57(1) of the United Nations Charter, acted as representative of the U.N. in these negotiations.

The Agreement between the U.N. and the I.L.O.[23] The United Nations Charter does not place any limitation on the range of matters to be covered in the Agreements between the U.N. and the specialized agencies, apart from the fact that the inclusion of some items is suggested by the provisions of different articles of the Charter. However, on June 26, 1945, the day of the signing of the Charter, the San Francisco Conference established a "Preparatory Commission," consisting of one representative of each government signatory of the Charter, which was to function until the election of the Secretary-General; one of its tasks was to "examine the problems involved in the establishment of relationships between the

[21] "It is appropriate that this was the first Agreement negotiated under Art. 57 of the Charter. The successful experience of the I.L.O. was the most important single factor in developing the new idea of specialized agencies. That experience proved the value of separate organizations, with a large measure of autonomy, operating as instruments of international coöperation in their specific fields." (Mr. Lie, in his address to the International Labor Conference on Sept. 25, 1946). (Internat. Lab. Conf., *Provisional Record, 29th Sess.*, No. 7, p. 55).

[22] A *Protocol Concerning the Entry into Force of the Agreement between the U.N. and the I.L.O.*, containing a short review of the steps which led to the coming into force of the Agreement, and stipulating that the English and French versions of the text of the Agreement should be equally authentic, was signed by Mr. Lie and Mr. Phelan on Dec. 19, 1946.

[23] The Agreement, dated May 30, 1946, is reprinted in *Report II(2), l.c.*, pp. 4–12, and in *Document E/49/Rev. 1* of the Economic and Social Council.

specialized intergovernmental agencies and organizations and the U.N."[25] The executive committee of this Commission drafted a document entitled "Observations on Relationships with Specialized Agencies,"[26] which lists a number of subject-matters for inclusion in the agreements between the U.N. and the specialized agencies (without, however, making concrete recommendations as to *how* these matters should be dealt with in the agreements). The Agreement concluded between the U.N. and the I.L.O. follows this list pretty closely.

First of all, the Agreement declares that "the United Nations recognizes the International Labor Organization as a specialized agency" (in the technical meaning of the term as defined in Article 57(2) of the Charter) "responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein," i.e., in the basic instrument of the I.L.O.[27] As said before, under the League of Nations system any change in the I.L.O. constitution had to be approved before it became effective, not only by three-fourths of the members of the I.L.O., but by all states represented on the Council of the League. In other words, any state represented on the Council could, by not ratifying a change in the I.L.O. constitution, "veto" such change even if unanimously adopted by the International Labor Conference and ratified by all other members of the I.L.O. and by all other states represented on the Council. But under the procedure introduced by the 1945 Instrument of Amendment, membership in any organ of the United Nations does not give an analogous prerogative. Instead, a change in the I.L.O. constitution, once carried by the required majority in the International Labor Conference, comes into effect when ratified or accepted by two-thirds of the members of the I.L.O., including five of the eight members of chief industrial importance.[29]

[25] Goodrich-Hambro, p. 215.

[26] "Interim Arrangements concluded by the Governments represented at the United Nations Conference on International Organization, San Francisco, 26 June 1945," *Dept. of State Bulletin*, 1945, XII, p. 1142; reprinted in Goodrich-Hambro, pp. 379–380.

[27] Reprinted in Goodrich-Hambro, pp. 215–216.

[29] Of the sixteen governments represented on the Governing Body, eight must be "members of chief industrial importance." Concerning the selection of these eight states, the I.L.O. constitution, under the League system, provided that "any question as to which are the members of chief industrial importance shall be decided by the League of Nations" (par. 3 of Art. 7). The Instrument of Amendment, 1945, did not deal with this clause; the Instrument of Amendment adopted by the Conference in October, 1946—which is not yet in force—makes the I.L.O. autonomous also in this respect, substituting for the League of Nations, not the United Nations, but the Governing Body of the International Labor Office, and the International Labor Conference; it provides that, as occasion warrants, the decision as to which I.L.O. members fall into the category of "chief industrial importance" shall, after

Article II of the Agreement between the United Nations and the I.L.O. deals with reciprocal representation. It stipulates that representatives of the U.N. shall be invited to attend the meetings of the International Labor Conference and its committees, and other general, regional, or special meetings convened by the I.L.O., as well as the meetings of the Governing Body and its committees. The U.N. representatives shall "participate, without vote, in the deliberations of these bodies."

With respect to the right of the I.L.O. to be represented at United Nations meetings, the Agreement distinguishes between different types of meetings. In the meetings (1) of the Economic and Social Council, and of its committees and commissions, and (2) of the Trusteeship Council, representatives of the I.L.O. shall "be invited to attend" and "to *participate*, without vote, in the deliberations . . . with respect to items on their agenda in which the I.L.O. has indicated that it has an interest." Thus for the I.L.O. representatives to be entitled to participate in the deliberations of the Economic and Social Council, and of the Trusteeship Council, it is sufficient but necessary that the I.L.O. has "indicated" that it "has an interest" in any item on the agenda of these bodies; (3) with regard to the general Assembly of the United Nations, representatives of the I.L.O. shall (a) "be invited to attend" the meetings "in a *consultative* capacity" (irrespective of the agenda); (b) on questions which are "within the scope" of I.L.O. activities, the I.L.O. representatives "shall be afforded full opportunity for presenting to the General Assembly the views of the I.L.O."; and (c) whenever the General Assembly discusses the budget of the I.L.O., or general administrative or financial questions affecting the I.L.O., the I.L.O. representatives may do more than "present the views of the I.L.O." namely, may "*participate*, without vote, in the deliberations" (Art. XIV(5). Furthermore, the same right to be "invited to attend," and "to *participate*, without vote, in the deliberations," is granted to I.L.O. representatives in the meetings of (d) "the main committees of the General Assembly in which the I.L.O. has an interest."

Finally, without limitation as to topic or otherwise, the I.L.O. has the right to have "written statements . . . distributed by the Secretariat of the United Nations to all Members of the General Assembly, the Economic and Social Council and its commissions, and the Trusteeship Council" (Art. II, 6). The Agreement does not contain provisions concerning the number, or the method of selection, of the "representatives" to be sent by either Organization to the other's meetings.

Other close ties between the U.N. and the I.L.O. are created by the

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consideration of the question "by an impartial committee," lie with the Governing Body, and that each member of the I.L.O. may appeal against such decision to the International Labor Conference. (Par. 3 of Art. 7 of I.L.O. constitution, according to Instrument of Amendment, 1946).

provision that the Governing Body of the I.L.O. shall be bound "to include in [its] agenda items proposed to it by the United Nations" and that, in turn, the Economic and Social Council, its commissions, and the Trusteeship Council shall be bound "to include on their agenda items proposed by the I.L.O." (Art. III). But the U.N. does not have the right to prescribe the inclusion of items on the agenda of the International Labor Conference, nor does the I.L.O. possess such right *vis-à-vis* the General Assembly of the United Nations. Apart from this principle, the prerogatives of the U.N. with respect to formal recommendations are, as might be expected, greater than those of the I.L.O. The I.L.O. agreed to submit to its appropriate organs, including the Conference, "all formal recommendations which the General Assembly or the Council may make to it"; "to enter into consultation with the U.N. upon request with respect to such recommendations"; and to "report to the U.N." on the results of the consideration of such recommendations. The I.L.O. also promised to coöperate "in whatever further measures may be necessary to make the coördination of the activities of the specialized agencies and those of the U.N.[30] fully effective" (Art. IV).

The Agreement provides for "the fullest and promptest exchange of information and documents" between the U.N. and the I.L.O. It pledges the I.L.O. to transmit to the U.N. "regular reports on [its] activities"; to furnish the U.N., on request,[31] with "special reports, studies, or information" (Art. V); "to coöperate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request, including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security" (Art. VI). While this assistance to the Security Council is thus to be given by the I.L.O. through coöperation with the Economic and Social Council (Art. VI), the I.L.O.'s coöperation with, and assistance of, the Trusteeship Council is to be carried out without the intermediary of the Social and Economic Council (Art. VII).

[30] Even before the Agreement came into force, the I.L.O. submitted to the Economic and Social Council a resolution adopted by the regional American I.L.O. Conference in April, 1946, concerning a study to be undertaken in coöperation with various international agencies, of "the most efficient methods of facilitating the process of harmonious industrialization of the Latin American countries." See Third Lab. Conf. of the American States which are Members of the I.L.O., Mexico City, April, 1946, *Record of Proceedings* (Montreal, 1946), pp. 287–288.

[31] If the I.L.O. has to incur "substantial extra expense" as a result of such request, or of other assistance to the U.N. or specialized agencies, "consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne." In turn, similar arrangements shall be made to cover expenses incurred by the U.N. for services, facilities, or assistance made available to the I.L.O. (Art. XV).

Direct relations are established also between the I.L.O. and the International Court of Justice. Art. 96(2) of the Charter of the United Nations stipulates that the General Assembly may, "*at any time*," authorize specialized agencies to "request advisory opinions of the Court on legal questions arising within the scope of their activities." Giving a liberal interpretation to the term "at any time," the General Assembly, under the Agreement, grants the I.L.O. a general authorization "to request of the International Court of Justice advisory opinions on legal questions arising within the scope of its activities"—with the proviso, however, that the I.L.O. must not ask the Court for advisory opinions on "questions concerning the mutual relationships" between the I.L.O. "and the United Nations or other specialized agencies" (Art. IX, 2).

The right of the I.L.O. to go directly to the International Court of Justice is one of the important innovations of the United Nations system. As long as the I.L.O. was connected with the League of Nations, it had, whenever it wished to obtain an advisory opinion of the Permanent Court of International Justice (which happened on six different occasions), to ask the Council of the League of Nations to transmit these requests to the Court. Now the I.L.O. has only to inform the Economic and Social Council of a request (Art. IX, 4).

We now come to the provisions concerning budgetary and financial arrangements. They can be divided into three parts. First, and as a general principle, "the I.L.O. recognizes the desirability of establishing close budgetary and financial relationships with the U.N." (Art. XIV, par. 1). Second, the two Organizations agree to "consult together concerning the desirability of making appropriate arrangements for the inclusion of the I.L.O. budget within the general budget of the U.N." If, in the course of such consultations, the two Organizations are going to agree that the inclusion of the I.L.O. budget in the U.N. budget is desirable, such agreement is to be laid down in a separate instrument. It may also be agreed, later on, that the U.N. collect, as the League of Nations used to do, the contributions from those members of the I.L.O. which are members of the U.N. (Art. XIV(2),(6)). Third, it is stipulated that, whatever the two Organizations may decide in the future, the I.L.O. "will consult with the United Nations" in the preparation of its budget and will "transmit its proposed budget to the U.N. annually at the same time as such budget is transmitted to its members. The General Assembly must examine the budget or proposed budget of the I.L.O. and may make recommendations to it concerning any item or items contained therein" (Art. XIV(3), (4)).

In other words—and always with the understanding that "the administrative operations of the U.N. and the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of coördination and uniformity with respect to these

operations shall be secured" (Art. XIV, 1)—the influence of the U.N. upon budgetary and financial matters of the I.L.O. is, for the time being, on the level of consultation, information, and recommendation: in the preparation of the budget, the I.L.O. must consult with the U.N.; it must transmit its proposed budget to the U.N.; and the General Assembly may, after examining the budget or proposed budget, make recommendations to the I.L.O. Otherwise, the autonomy of the I.L.O. in these matters is complete: the International Labor Conference is to "determine the arrangements for the approval, allocation, and collection of the budget"[32]; the International Labor Conference may adopt the budget of the I.L.O. even before the General Assembly of the U.N. has examined it and has decided whether or not to make recommendations concerning it; the I.L.O. collects the contributions from its members; and it administers its own funds.[33]

This again represents a significant change from the previous system. Before, "the budget of the I.L.O. formed part of the general budget of the League of Nations; it was voted by the Assembly of the League; the apportionment of the budget among the member states was decided by the Assembly; the contributions from member states were collected by the Treasurer of the League." Only from those member states which were not members of the League did the Director of the I.L.O. collect directly the contributions for which they were assessed.[34] To be sure, the Agreement between the U.N. and the I.L.O. contemplates that, later on, the I.L.O. budget may be included in a general budget of the United Nations. But, characteristically, such step, if taken, will be taken by mutual consent, and not unilaterally by the United Nations.

The tendency to consider the I.L.O., within its own realm of activities, as an equal, and the desire to harmonize and unify the operations of the I.L.O. and the U.N. by mutual consent, permeate the whole Agreement. For example, in it "the U.N. and the I.L.O. recognize that the eventual development of a single unified international civil service is desirable" and to this end agree to develop common personnel standards, methods, and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services" (Art. XI, 1). Similarly, the two organizations agreed to avoid, "whenever possible, the establishment and operation of competitive or overlapping facilities and services among the

[32] Art. 13, par. 2(b), of the constitution of the I.L.O., as amended by the Instrument of Amendment, 1945.

[33] For a full discussion of these questions, see Internat. Lab. Conf., 29th Sess., Montreal, 1946, *Financial and Budgetary Matters* (Montreal, 1946), *passim*.

[34] *Ibid.*, pp. 3–7.

U.N. and the specialized agencies" and, "accordingly . . . to consult together concerning the establishment and use of common administrative and technical services and facilities" (Art. XIII, 1, 2). The relationship between the U.N. and the I.L.O. is characterized in the Agreement itself as "liaison"; it calls the arrangements "liaison arrangements." In Art. XVII, the U.N. and the I.L.O. express their "belief" that the Agreement "will contribute to the maintenance of effective laision between" them, and "affirm their intention of taking whatever further measures will be necessary to make this liaison fully effective."[35]

Whereas the Treaty of Versailles prescribed that the International Labor Office had to have its seat at the same location as the League of Nations, the Agreement provides as follows about the location of the I.L.O. headquarters (Art. X, 1): "The I.L.O., having regard to the desirability of the headquarters of specialized agencies being situated at the permanent seat of the United Nations and to the advantages that flow from such centralization, agrees to consult the United Nations before making any decision concerning the location of its permanent headquarters."

An analysis of the Agreement shows that no effort has been made to lay down definite rules about the distribution of work either between the U.N. and the I.L.O., or between the I.L.O. and other specialized agencies. Only with regard to statistical services, the United Nations is to act "as the central agency for the collection, analysis, publication, standardization, and improvement of statistics serving the general purposes of international organizations," whereas the I.L.O. is to serve "as the appropriate agency for the collection, analysis, publication, standardization, and improvement of statistics within its special sphere, without prejudice to the right of the U.N. to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world" (Art. XII, 2, 3). As to the relations between the I.L.O. and other specialized agencies or inter-governmental organizations, the I.L.O. retains its freedom—always, of course, within the framework of its own constitution, the United Nations Charter, and the Agreement with the United Nations—to negotiate and conclude agreements with them. The Agreement merely demands that the I.L.O. shall inform the Economic and Social Council of the nature and scope of any formal agreement of this type before it is concluded (Art. XVI).

Among the international organizations, the I.L.O. holds a special place

[35] It may be noted that the Agreement delegates to the Secretary-General of the U.N. and the Director-General of the I.L.O. the right to "enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the two Organizations" (Art. XVIII).

because, while its members are states, its constitution is based on the principle of tripartite representation, i.e., representation of governments, employers, and workers. In this important respect, it differs from all other inter-governmental agencies, including the United Nations. As the number and the responsibilities of international organizations increase, a situation is emerging in which the relations between the various international organizations are bound to create problems similar to, and yet different from, the relations between states. These relations are, in turn, bound to influence the relations between the states themselves. In this respect, the I.L.O., in view of its particular tripartite structure, might have to play a special rôle.[36]

[36] Both Mr. Lie, appearing for the first time at the International Labor Conference on Sept. 25, 1946, and Mr. Phelan, making his first address to the General Assembly of the U.N. on Dec. 14, 1946, stressed the importance of the tripartite structure of the I.L.O. Said Mr. Lie: "The U.N. does not possess the machinery to accomplish all of [the] objectives [set forth in the Charter] by itself. . . . In the case of the I.L.O., the U.N. looks to an Organization of proved efficiency, in which employers and workers as well as Governments are represented, to carry out one of the most important branches of this work." (Internat. Lab. Conf., *Provisional Record, 29th Sess.*, No. 7, p. 55). Mr. Phelan declared: "We retain, as indeed it is in the interests of our joint effort that we should, all those fundamental characteristics of our unique tripartite constitution which have been our strength in the past and are the promise of our success in the future. But we shall operate under that constitution, not only to pursue those objectives which are properly within our sphere of action, but also in order to mobilize still greater support for the work of the United Nations of which we are now proud to be the recognized associate."

INSTRUCTION AND RESEARCH

POLITICAL SCIENCE IN THE UNITED STATES IN WARTIME*

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I. POLITICAL SCIENCE IN AMERICA

The field known as "political science" is in many ways a peculiarly *American* discipline. Although it plays a minor rôle in some European universities, and none in the rest, this particular field of the social sciences is of great importance in the United States. Besides a mounting interest in the study of government on the undergraduate level in this country, there has been a steady growth of professional training for the public service in special schools of public administration and in international affairs and diplomacy, both closely related to and usually staffed in part at least by political scientists.

To the non-American inquiring as to the reason for this special development, no exhaustive answer can be given at the present time. But mention may be made of a number of factors which have contributed to this phenomenal and persistent growth. In the first place, political science, backed by the ancient tradition of Aristotle's *Politics*, has a central appeal to young men and women seeking an integrated and over-all approach to the "great society" of a free and intensely democratic people. The pride Americans used to take in their political "institutions," which was noted by many a foreign traveller, has in this age of democratic disillusionment found an uneasy refuge in academic study of the history of political thought and institutions. The well-known practical, or rather activist, tendency of American scholars has turned many an economist, such as John R. Commons, to legislative halls and thus has pushed the problems of government into the center of attention. Historians with similar propensities, like Charles A. Beard, came to enrich the work of political science.

But perhaps more important than these factors is the manner of teaching and studying law in American universities. In European universities, the faculties of law have from time immemorial been the training ground of public servants, and the works on politics written by professors of public law have been legion, ever since the great days of the natural law. There is

* This paper, originally written for a survey-volume projected by the American Council of Learned Societies but later abandoned, was intended primarily for foreign scholars interested in the field of political science. American political scientists, however, will find it a convenient summary. *Man. Ed.*

nothing like this to be found in American law schools, where the emphasis, even in the teaching of topics pertaining to the public law, is centered on the digesting and expounding of cases decided in the courts. The rare acumen and brilliant scholarship of American professors of constitutional and administrative law should not deceive us as to the almost complete absence of any Esmeins, Haurious, Max Hubers, Jellineks, and their like. It is characteristic that Hans Kelsen, after coming to the United States in 1939 and giving a series of lectures under the auspices of the Harvard Law School, is now teaching political science at the University of California.

Another special factor of considerable importance fertilizing the growing political science is the widespread interest in and support for governmental and administrative reform. Federal, state, and local government have been the focal point of such divergent efforts as the city manager movement, civil service reform, the movement for unicameral legislatures and biennial sessions, the movement for an executive budget, and the like. These and many other similar movements, either for changing existing institutions or for remedying the corrosive effects of corruption and patronage, are endemic in a democratic society and call for steady, intelligent, and well-informed buttressing by research and education of the public at large. Political scientists not only have played a leading rôle in these movements throughout their history, but often have become specialized as a result of being drawn into such practical efforts. The movement for regional and metropolitan planning is a very recent instance of the same general trend.

To these factors should be added the rising interest in international relations and world government which is such a marked characteristic of the thoughtful and informed general public in the United States today. This trend has been greatly intensified by the war and its aftermath, and is very marked among veterans now returning to the colleges and universities. It is a curious and somewhat puzzling fact that the isolationism prevailing among a majority of the American people before the war was itself an expression of a rising concern with international affairs, expressing itself in books and articles galore, both in scholarly publications and in the magazines of the general public. Both the *Atlantic Monthly* and *Harper's Magazine*, predominantly literary magazines two decades ago, are and have been for some time preoccupied with the kind of issues that are at the center of the social sciences, and more especially political science.

Among the many contributing factors, I should stress one other in these introductory remarks as vital, and that is the increasing attention given to "civics" in the high schools of the United States—an attention supported with much reasoned insistence in a report made in 1940 by the

Educational Policies Commission of the National Education Association and entitled, "The Education of Free Men in American Democracy." The central relationship of political science to the training of citizens in a democracy is high-lighted in a statement such as this: "The first responsibility of the teacher is to maintain a steadfast and informed loyalty to the values and processes of democracy, to the several articles of the democratic faith, to the interests of children and the cause of human freedom.[1]" Is it surprising that we find a former chairman of the political science department called upon to head the program of "General Education" recently inaugurated at Harvard University? Or that an increasing percentage of college and university presidents are members of the political science profession? Or that the high schools of the country are going to make an increasing demand for trained men and women in the field of government?

In keeping with these general trends, there has recently appeared an increasing interest in "political" and "governmental" topics in adjoining fields of learning. Thus philosophy is now turning to "political" philosophy, economics to various fields of economic "policy" such as agriculture, social psychology to "political behavior" and "propaganda," sociology to "class structure" and "leadership," and social anthropology to comparable studies. These broadening tendencies are sound and healthy, provided they are held together by some common core of basic understanding of what Aristotle called "the master science." Such trends in any case represent a striking challenge to the modern political scientist which no one has more insistently called attention to than Charles E. Merriam in a series of comprehensive systematic works of which the latest and most ambitious is *Systematic Politics*. This common core can, we believe, be most readily preserved by a firm and constant emphasis in teaching and research upon the history of political theories, whether set forth in the manner of George H. Sabine and Charles H. McIlwain as a history of doctrines, a great "verbal discussion" on the rational plane, or within the framework of a cultural and institutional manifold expression of the non-, meta-, and irrational aspects of the great political ideologies of the past and present.

Beyond the history of political thought, the development of a central core of sound theory is perhaps the greatest need of American political science today. Its most obvious weakness in comparison with economics is the lack of interest of political scientists in the development of such an agreed foundation of theory. Much factual and descriptive reporting could effectively gain in perspective and significance if it were possible to test

[1] Educational Policies Commission, "The Education of Free Men in American Democracy" (Washington, D. C., 1941), p. 109. This same point is made in "Education for Citizenship," a report of the Regents' Inquiry (New York, 1938).

it by reference to such a basic core of theoretical tenets. On the other hand, it should be borne in mind that the nature of the material with which political science is concerned presents peculiar difficulties.

II. CURRICULUM, ENROLLMENT, AND STAFF

It is within this general frame that the work of political scientists in the years since 1939 should be considered. For although the war depleted the ranks of the profession very appreciably and reduced the student body to a small fraction of its prewar size, the general pattern of professional work went forward along the established lines of research and teaching. A great many political scientists served in important positions, both civilian and military, which gave scope to their specialized techniques and methods, such as administrative and personnel work, communication control and propaganda, planning and control of economic warfare and mobilization, price control and intelligence, and the widely ramified activities of international and diplomatic agencies of the government. Even the urgently needed administrative reorganization of the Army was drawn up by a regular Army officer who had taken his doctorate in political science shortly before the war in one of the leading universities. It is manifestly impossible at the present time to describe these many activities in which political scientists shared with economists, sociologists, historians, and other social scientists, or to evaluate their contributions. Such a task must await further study and extended research which will become possible only when materials now restricted are made available for critical analysis and evaluation.

In any case, while all this work went forward in connection with the war, the universities and colleges continued to teach most of the core subjects of a prewar university curriculum in political science, including political theory and its history, comparative, government, American government and politics, public administration, and international relations. The remarkable unity of the American people in support of the war was reflected in the fact that there were virtually no restrictions placed upon teaching or writing anywhere, and no cases of undue discrimination against men with foreign backgrounds teaching political science in American universities have been reported. This is especially noteworthy in view of the large number of German, Austrian, and Italian refugees teaching in American institutions of higher learning. Although marked differences of opinion developed over many topics, especially the problem of American relations with the Soviet Union and the problems of peace, successive meetings of the American Political Science Association did not fail to take up and bring out into the open the issues involved in these controversial subjects.

In a large number of institutions, political scientists were asked to par-

ticipate, and even to play a leading rôle, in novel war-time programs of instruction for the armed forces of the United States, more especially the Army Specialized Training Program and the Civil Affairs Training Schools to which a special section is devoted below. But at the same time departments of political science, along with other social sciences, utilized the relatively light teaching load, especially in the graduate field, to reconsider their entire offering and to draft plans for postwar changes and developments. Many individual variations and special activities are to be found in the large number of colleges and universities throughout the United States, from the one-man department of a small college to the large and diversified program of the great universities where a core department of political science may be flanked by special programs, schools, or institutes of public administration, international affairs, or regional studies, and re-enforced by special advanced degrees administered by committees composed of representatives of the several social sciences. The details of these arrangements can be learned only by studying the catalogues of the several institutions. But even a casual survey discloses a general trend during the period here under consideration toward closer collaboration between political science and economics and the other social sciences. It would be tedious to recite the list of special committees, institutes, and the like established; but the general trend is unmistakably toward greater coördination of the social sciences. After the vast amount of specialization and consequent departmentalization which characterized American scholarship in the last two generations, it is a healthy sign that a determination to re-integrate and a conscious effort at synthesis are making themselves felt throughout the world of higher learning. It is only natural that political scientists should not only participate in these efforts, but often play a leading rôle, since the study of politics and government, the great integrator of the community, begets a vivid sense of awareness of the inherent need for such a synthesis. Even amid efforts at the elementary level of college education, where a new trend toward "general education" is making itself felt in various (and sharply debated) forms, political scientists have taken a vigorous part in planning the new approaches, and are finding themselves in leading administrative positions in institutions with such divergent approaches as Chicago, Harvard, and Minnesota.

III. LITERATURE, RESEARCH, AND PUBLICATION

A list of books published since 1937, prepared for the Social Science Research Council and containing 400 items noted as outstanding in the general fields comprised within political science, clearly shows that work has gone forward in remarkably unbroken fashion in spite of war-time interruptions. To be sure, a good many of these books were the result of extended researches carried on before the war and merely brought to com-

pletion at this time. But the work of political scientists is now so intimately connected with the work of governmental agencies in the United States that a considerable output of writing is to be expected as a result of war-time experience and research. Anyone familiar with the applications for assistance received by learned societies, foundations, and university research funds is fully aware of this new crop of studies and impending publications. In short, political science research and publication have gone forward in spite of the war's interruption. The enormously increased interest in international organization and world government is bound to strengthen further this trend toward far-flung research.

It is worth mentioning in this connection that most of the leading periodicals in the field of political science continued throughout the war. The *American Political Science Review* was published by the American Political Science Association without any diminution and provided a continuing channel of professional communication, through article, survey, and book review, and many noteworthy contributions are to be found in its volumes from 1939 to 1946. Likewise, the *Political Science Quarterly* and the *Annals of the American Academy of Political and Social Science*, although by no means wholly, or even primarily, concerned with political science, in spite of their titles, carried on throughout the war and were useful. Other significant and valuable periodicals which managed to enrich the field throughout the long war years were the *Review of Politics*, the *Journal of Politics*, the *Public Administration Review*, and the *Public Opinion Quarterly*. The last two publications brought out noteworthy special issues devoted to problems of war-time activities of the government, such as those of the War Department and the Office of War Information; and these will be important sources for many years to come, because both of the subjects treated and the authors who collaborated. An important special field in which political scientists have always worked closely with historians and journalists is that of international relations, and in this area, too, periodical publications of international significance appeared throughout the war years, more especially the *American Journal of International Law*, *Foreign Affairs*, published by the Council on Foreign Relations, and *Pacific Affairs*, published by the Institute of Pacific Relations. A number of more popular journals in this field sprang up during the war and are making significant contributions, although admittedly written for the general reader. Also there are the often excellent pamphlets published by such organizations as the Foreign Policy Association. Even the literary magazines, such as the *Saturday Review of Literature* and the *New Yorker*, have lately contributed some outstanding writing in support of world government.

Among the temporary casualties of the war period may be mentioned the important *Journal of Social and Political Philosophy*, whose editor

went to war, and the annual, *Public Policy*. Several series of university studies maintained by departments of political science for publication of their outstanding doctoral dissertations also suffered serious curtailment if not a total eclipse of their output. This latter activity, however, has been resumed in most institutions, and the increase in graduate students returned from the war promises to compensate for the temporary decline.

Two major research enterprises of the political science profession carried forward with substantial funds provided by one of the foundations, namely, the work of the Committee on Government and the Committee on Public Administration of the Social Science Research Council, have each been the subject of a special report. The former of these reports was made in 1944 and contains a general survey of the field of political science as it has developed in the United States. The committee concentrated upon "research areas," which it sought to define by meetings and correspondence with many leading scholars in the field. The committee was assisted by a research committee of the American Political Science Association, which organized "panels" in comparative government, political theory, public law, and other subjects. If it was the original expectation of those concerned that "the most important area for political science research" would be agreed upon, or would somehow emerge from these extended consultations, that hope was not fulfilled. "Most of those who wrote, the committee reports, emphasized the need for research in their own fields." But the report is important in that it gives a "picture of the thinking of American political scientists generally."

The report on *Research in Public Administration* was made in 1945 and covers more than ten years of work of the Committee on Public Administration of the Social Science Research Council. The document is particularly significant as showing the rapid growth of this field of study and research. It is not possible to assess the range of influence of the Committee's work; that very important services have been rendered to political science and to the government of the United States, there can be little doubt. Teaching and research in public administration are unquestionably among the most dynamic and progressive in the United States today. The field is closely tied up, of course, with the vast expansion of governmental functions in American society. The Committee's report lays special stress upon the following fields of future inquiry and research: (1) international organization and administration; (2) federalism and intergovernmental relations; (3) legislative-executive relations; (4) relationships within the administrative branch, and more especially (a) relations between central, regional, and field offices, (b) inter-agency relations at the top level, (c) intra-agency relations among bureaus and functional activities, (d) relations in particular functional and professional fields, (5) over-all aspects of modern administration; (6) local government and administration; (7) fiscal policy and administration; (8) government and

the economic order; (9) administrative law; (10) civil and military administration; (11) comparative administration; and (12) the history of administration. This list seems certainly not to err on the side of narrowness. Nor is it easy to quarrel with the Committee in its conclusion that all these are important fields for future research.

Other important projects of research were undertaken by special foundations and agencies, both private and public. Space forbids individual mention of all these agencies, although a few will be touched upon briefly in the next section.

IV. ORGANIZATIONAL ACTIVITIES

In the United States, the leading organization in the field of political science is the American Political Science Association, with more than 4,000 members. As a part of its work, this association publishes the *American Political Science Review*. During the war, it served the government by assisting in securing professionally trained personnel. It also held a number of meetings and conferences, although the regular annual meetings had to be abandoned during 1942–45 because of shortage of travel facilities. In their stead, the Association held special meetings in Washington, where a substantial percentage of members of the political science fraternity were then concentrated.

Besides this organization of the profession in its entirety, there are active in the field a number of organizations which have either broader or more specialized concerns, such as the American Society of International Law and the Academy of Political Science. The annual meeting of the latter organization is devoted to a particular problem of public policy. The same is true of the American Academy of Political and Social Science, meeting regularly in Philadelphia. The steady progress of work in the social sciences, and more especially in political science, is, through the latter two organizations, projected outward into a wider circle of interested individuals and groups of citizens.

Among more specialized organizations, those in the international field are most numerous, and indeed are highly significant for the progress of political science in the United States. Among these, the most important are perhaps the following: the Carnegie Endowment for International Peace (Washington, D.C.), the World Peace Foundation (Boston), the Woodrow Wilson Foundation (New York), the American Council on Foreign Relations (New York), the American Institute of Pacific Relations (New York), the Norman Wait Harris Foundation (Chicago), and the already mentioned American Society of International Law (Washington, D.C.). All of these bodies are engaged in important activities, have held institutes and conferences, and have carried forward research, either by themselves or in conjunction with various government agencies. There is, unfortunately, a certain amount of duplication in the work of these bodies, but

this disadvantage is probably fully counterbalanced by the healthy spirit of competition among them.

Of the institutes held by the Norman Wait Harris Foundation in recent years, that of 1944, devoted to "Food in International Relations," was perhaps the most significant in terms of progress of research. Not so much the immediate significance of food as rather the functional focus of the topic brought to light a number of factors not ordinarily covered in such undertakings.

From a scholarly standpoint, the most challenging enterprise of the Institute of Pacific Relations is the study of Chinese society, under the direction of Dr. Karl A. Wittfogel, of which the first volume, *The History of the Liao Shih Dynasty*, is soon to be published. This coöperative venture by two sociologists, an anthropologist, and an historian will mark a great step forward in the understanding of the government of ancient China. A number of the works in the Institute's *Inquiry Series* have significantly contributed to studies of comparative govenment as well as to those of international relations. It may be noted in passing that many of the scholars in this general area of political science have received their start as a result of grants by the Institute of Pacific Relations. The Council on Foreign Relations, Inc., recently organized a series of parallel conferences on "Teaching and Research in International Relations" which, it is hoped, will significantly advance research in this vast area.

Another field in which special organizations seem to thrive is public administration. The over-all organization, founded in 1939, is the American Society for Public Administration, which is publishing the *Public Administration Review*. Associated with it are a considerable number of organizations of public officials in different fields, coördinated in some measure by the Public Administration Clearing House. These organizations, closely associated as they naturally are with the actual conduct of government, have, during the period under review, been preoccupied with two major tasks: defense and war, and reconstruction and reconversion. They have published certain key studies, and in conjunction with the American Municipal Association and the American Society of Planning Officials they elaborated the problems of planning for postwar needs. As a culmination of these activities, the Public Administration Clearing House in May, 1946, held a three-day conference of federal, state, and local officials, together with representatives of various private organizations concerned with housing, planning, and related subjects, to discuss the problems of land-planning and community protection.

More recently, the field of public opinion and propaganda seems to show signs of developing organizational activity of a specialized sort. The founding of the National Opinion Research Center at the University of Denver followed the organizing of the Institute of Public Opinion Re-

search at Princeton and of similar organizations at Columbia and Harvard. Until the outbreak of the war, the Institute for Propaganda Analysis (at Teachers College, Columbia University) was very active among teachers, whom it sought to assist in defending education against the inroads of organized propaganda. More recently, the Commission on the Freedom of the Press has been outstanding in this field, while radio research has been the focal point of annual meetings of the Institute on Education by Radio which have resulted in an important annual volume under the general title of *Education by Radio*. There exist a number of still more specialized organizations.

V. CONFERENCES

It is a striking feature of the increasing tendency toward coöperative research in the social sciences in the United States that there take place an ever larger number of conferences and institutes each year. Even the war did not stop the gathering together of scholars and others interested in a particular field, subject, organization, or program; and at times these meetings were closely related to the work being done by scholars in political science and administration in connection with the war. While such conferences usually represent a response to a genuine need for coördination and integration of activities in an age of increasing specialization, there is, nevertheless, some danger that too much emphasis may be placed upon mapping out research programs to be undertaken by others or by a staff whose duties are outlined in advance. Related to this is the danger of deflecting research from those problems which require acute insight and creative thinking, which in the end are the responsibility of the individual, and, instead, expending too great a proportion of effort and funds in comprehensive endeavors advanced by the application of methods designed to facilitate the collection of information on a large scale in relation to predetermined programs. In extreme cases, the method, or technique, employed may appear to be the absorbing consideration, rather than the nature and implications of the problem to be solved. How to strike a proper balance between individual and collective enterprise is here, as elsewhere, one of the most urgent issues of today, not only in research in the social sciences but also in practical government and world relations.

Anyone interested in a detailed list of these many institutes and gatherings can glean much of the information from the News and Notes pages of the *American Political Science Review*. They fall roughly into three classes: (1) regional and local meetings of political scientists in general (such as the Midwest Political Science Conference and the Southern Political Science Association), now taking place in many parts of the country; (2) meetings devoted to a particular subject of current interest or organizational concern, such as the Conference on Increasing the Effectiveness of American

Self-Government, held by the National Municipal League in 1939; (3) conferences addressing themselves to particular countries or regions. Something more will be said on the last of these in a later section of this article.

VI. TRAINING PROGRAMS DURING WAR-TIME

A very significant development foreshadowing important progress in political as well as other social sciences originated in a group of special training programs initiated by the United States Army and Navy in conjunction with overseas administrative tasks. In the Army, these programs became known as "area and language training" under the Army Specialized Training Program, and as "civil affairs training" under the Provost Marshal General's Office. Both programs—the first designed for enlisted personnel, the other for officers and civilian specialists commissioned for occupation duty—called for an integrated teaching of the language and institutions of a given area or people. Virtually the entire globe was encompassed in the instruction, although major emphasis was given, naturally, to Germany and Japan. The programs were of varying length, and a detailed analysis of them far transcends the scope of this paper. The aspect of special significance for the future development of political science is the extent to which an effective integration of the several social sciences was called for. Incidentally, these programs revealed appalling gaps in our knowledge of comparative institutions, particularly on the local level. It is perhaps not too much to say that some of the grave difficulties encountered in the occupation of Italy, for example, were the result of our glaring ignorance of the real functioning of local government in that country. But besides these obvious *lacunae*, there are methodological issues involved in the effective integration of the social sciences when it comes to delineating, analyzing, and interpreting a functioning culture or society as a whole. While anthropologists have some very important contributions to make in this field, their past studies have been so much focused on rather primitive schemes of social order that the highly abstract and rationalized patterns of modern society are inadequately comprehended within that framework of reference, illuminating as are the insights which their approach provides. Particularly some of the strictly "human" elements in the total equation of intercultural contact yield rich results in understanding if organized by competent anthropologists in collaboration with social psychologists, sociologists, and political scientists. The entire range of experiences suggested by the term "informal organization," which coincides largely with the so-called "realist" approach in political science that has been developing in recent years, proved of major value in dealing with such societies as that of Japan.

The number of research studies thus far resulting from this series of programs is small. The disturbed conditions in the world today are making

field studies and collaborative explorations well-nigh impossible. And yet, it is to be hoped that, before too long, teams of social scientists, including political scientists, will be setting forth into countries such as Germany and China to make detailed analyses of the complex patterns of government as they interact with each other. Explorations in the Soviet Union and elsewhere may follow. In passing, one special issue may be mentioned: the Army and Navy programs revealed a magnificent opportunity, as yet totally undeveloped, for use of the documentary film for research and teaching in this field of integrated cultural study. It is to be hoped that the postwar era will remedy this defect.

VII. CONCLUSIONS

The vast range of continuing activity surveyed in the preceding pages forbids the drawing of any very definite conclusions. It is clear that political science constitutes today in the United States one of the most vital and viable subjects of social research and teaching. Its close and intimate linkage with all the more urgent problems of a democratic society makes it the "science of democracy" par excellence, even if we no longer assign it the exalted place of the "master science" which Aristotle claimed for it. Nor need we do so. After all, politics (*ta politica*) in the Aristotelian sense comprised the whole range of the social sciences. All that pertains to the community was part of it. In an age of expanding government functions and of rising international organization, however, the study of "who gets what, when, and how," as one political scientist has put it, will be of central importance as long as a free society permits the scholar to assist in shaping the solutions of problems which concern everybody. There is little of the quantitative exactitude in political science which characterizes modern economics, nor is there the logical precision of jurisprudence, nor yet the "human thrill" of anthropology, sociology, and psychology. Government, administration, politics—their central importance in the life of modern man nevertheless vindicates a central position for those scholars who are making "government," both past and present, their special concern. Judgment, and a capacity to synthesize, to interpret effectively without complete knowledge, to grasp the relation between the subjective valuation and the objective data—these are some of the specific qualities that enable the political scientist to make his peculiar contribution to the totality of social knowledge at the present time. Is it an accident, or is it perhaps of real significance, that the one subject of inquiry which totalitarian dictators cannot permit in their regimented lands is the study of political science? There the study of government once again becomes the *arcana imperii*, the carefully guarded secret of the self-appointed rulers who win the wars against their own peoples, but lose the wars against free men living under democracy.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Forty-Third Annual Meeting of the American Political Science Association. The forty-third annual meeting of the American Political Science Association will be held at Washington, D. C., on Sunday, Monday, and Tuesday morning, December 28–30, with the Hotel Statler as headquarters. Last year's program was constructed around the general theme, "The Problems of Government in the Post-War World." The program this year is designed to bring forth an appraisal of the manner in which some of the more critical of these problems, and perhaps a few unanticipated ones, are being met. Major emphasis will be placed on the rôle of the United States in world affairs, and on the effectiveness of its efforts to achieve internally a tolerable solution of the problem of economic and social stability. Round-tables or section meetings have been scheduled on the following subjects: Peace Settlement and Occupation Problems—Japan; Peace Settlement and Occupation Problems—Germany; Communism in the U.S.S.R.; United States-U.S.S.R. Relations; Economic Changes and Prospects for Democracy in Europe; Organization of the U. S. Government with Relation to its Present Rôle in World Affairs; Dependency Problems—Puerto Rico; The Operation of the United Nations Assembly and Security Council; Adequacy of the Administrative Organization of International Agencies; International Communication Problems; International Trade Problems; Legislative-Executive Relations; Organization of the National Government with Reference to Economic Services and Controls; Possibilities of National Political Planning; State, Local, and Regional Planning Developments; The Use of the States in the Administration of National Policies; Congress under the Reorganization Act; The Rôle of Government in the Regulation of Labor-Management Relations; Impact of Post-War Developments on Federal Personnel; American Political Theories and Public Attitudes on the Relation of Government to Economic Enterprise; Representative Government and the Legislative Process; Judicial Personnel Problems; Problems of Teaching in Political Science, (1) The Introductory Course and (2) The Place of Political Science in Social Science Survey Courses. Two or three additional round-tables will probably be scheduled. With few exceptions, each round-table and section meeting will meet but once. There will be a joint round-table in collaboration with the National Council for Social Studies, and a number of breakfast meetings. It is planned to have two luncheon meetings and two evening meetings. President Arthur W. Macmahon will give the presi-

dential address on Sunday evening, December 28. A Preliminary Program outlining in greater detail the structure of the program will be printed within the near future and distributed to the members of the Association. —HUGH L. ELSBREE, *Chairman, Program Committee.*

Professor Alfred Cobban, of the University of London, was a member of the political science staff at the University of Chicago during the spring and summer quarters, giving lectures in the field of political theory.

During the summer, Professor Charles E. Merriam, of the University of Chicago, delivered three lectures and held a conference at Syracuse University on "Politics and Administration."

Professor L. Vaughan Howard, formerly of the University of Maryland, has been appointed professor and head of the department at Tulane University.

Professor Pitman B. Potter, managing editor of the *American Journal of International Law*, has become dean of the Graduate Division of the American University.

Professor Avery Leiserson, of the University of Chicago, spent the summer in Washington preparing a report for the American Council on Foreign Relations, and Professor Charles M. Hardin taught at the University of Illinois.

The University of Chicago has announced the appointment of Mr. David Easton as assistant professor in the social sciences, to be responsible for the contribution of political science to a new divisional course in the social sciences.

At Princeton University, Professors Paul T. Stafford and John A. Schroth have been granted leaves of absence for the current fall term, and Dr. Burke Inlow has been appointed to an instructorship.

Professor J. William Robinson, of Purdue University, has been appointed professor of government and chairman of the new department of government and international relations at Whittier College, California.

New appointments at Ohio State University include, as assistant professor, Dr. Dayton E. Heckman, formerly of Cleveland College of Western Reserve University; as instructors, Messrs. Carl H. McFadden, Schuyler D. Hoslett, and David Spitz. Mr. McFadden and Mr. Hoslett have been engaged in graduate work at Ohio State University and Dr. Spitz at Columbia University.

Mr. Herbert Emmerich, director of Public Administration Clearing House and lecturer in political science at the University of Chicago,

attended the summer conference of the Institute of Public Administration in Great Britain, the congress of the International Management Institute at Stockholm, and the Paris conference of the International Institute of the Administrative Sciences. He was elected a vice president of the Institute, and Professor Leonard D. White, who had been a vice president for the last ten years, was elected honorary vice president.

Professor Thomas S. Barclay, of Stanford University, is visiting professor at the University of Illinois during the first semester and is giving courses on legislation and American politics.

Dr. Richard C. Spencer, until recently Government Organization Specialist in the Governments Division of the U. S. Bureau of the Census and professorial lecturer at the George Washington University, has been appointed visiting professor at the University of Nebraska for the current academic year.

After a period of service with the Department of State, Mr. Richard E. Hibbard has joined the staff of the State Teachers College at Eau Claire, Wisconsin.

At Hamilton College, Dr. George Lenczowski has been promoted to an assistant professorship and Messrs. Richard Buffum and Mitchell Wendell, of the Fletcher School and Columbia University, respectively, have been appointed instructors.

Dr. Eric Beecroft, formerly special assistant to the Secretary of the Interior, has been appointed to a position in the loan department of the International Bank for Reconstruction and Development.

Dr. Fred Hadsel, formerly of Rutgers University, is now a lecturer in political science at the George Washington University and is in charge of a course on international organization.

At Swarthmore College, Professor Bryce Wood has been granted a leave of absence for the current year to work on the staff of the Rockefeller Foundation. In his absence, Mr. George T. Little, who is completing his work for the doctorate at Yale University, has been appointed instructor.

At the University of Michigan, Professor James K. Pollock has succeeded Professor Everett S. Brown as chairman of the department of political science. Professor Lionel H. Laing has been promoted to an associate professorship and Dr. Ferrel Heady to an assistant professorship. Mr. Nicholas M. Efimenco has been made an instructor.

At Emory University, Professor David D. Wallace, retired head of the

department of history and political science at Wofford College, is visiting professor of political science during the fall quarter; during the winter quarter, Professor Francis W. Coker, recently retired at Yale University, will offer graduate courses in political theory; and in the spring, Professor H. C. Nixon, of Vanderbilt University, will offer courses on American political parties and political problems of the South.

Professor Charles E. Merriam of the University of Chicago, and his son, Robert E. Merriam, recently-elected alderman for the fifth ward, Chicago, are collaborating in a series of five lectures at University College of the University of Chicago on topics pertaining to government in the Chicago metropolitan area.

During the past summer, Professor Francis R. Aumann, of Ohio State University, offered courses in public law at Wayne University and Katharine McCarthy Aumann assisted in the field of American government.

Professor James K. Pollock, of the University of Michigan, is one of two persons named from private life by President *pro tempore* Vandenburg to the recently authorized twelve-man commission which will undertake a study of the organization of the executive branch of the national government and present a report in January, 1949. The next issue of the REVIEW will contain a brief article on this project.

In the last issue of the REVIEW, it was erroneously reported that Dr. Phillip Monypenny had joined the staff of the University of Illinois as a visiting professor. His appointment was as assistant professor.

Dr. Morris H. Cohen, who has been part-time instructor at the University of Chicago while completing his graduate studies, has been appointed assistant professor at Clark University.

At Connecticut College, Dr. Louise W. Holborn, recently of Smith College, has been appointed assistant professor of government and Dr. Mary Trackett Reynolds part-time lecturer.

Dr. Dale Pontius, recently assistant professor at Tulane University, has accepted an associate professorship at Roosevelt College, Chicago.

Dr. R. R. Oglesby, formerly of Sweetbrier College, has become an assistant professor at Oklahoma Agricultural and Mechanical College.

Mr. Roy J. Kelley, recently of Loyola University, has accepted a professorship in the new University of St. Thomas at Houston, Texas.

At Wayne University, Dr. Robert Steadman, formerly of Syracuse University, has become full professor of government; Dr. Nathan Grund-

stein has become assistant professor, and Mr. L. L. Friedland and Miss Dorothy Cormack have joined the staff.

Mr. James A. Norton, instructor at the University of Texas, has resigned to continue work on his doctorate at Harvard University.

Dr. Ralph R. Temple resigned as assistant director for public administration with the State Division of the Pennsylvania Economy League to undertake special surveys of judicial administration in New Jersey at the request of Governor Alfred E. Driscoll for use in connection with the recent constitutional convention.

Dr. Paul K. Walp has accepted a position as research technician for Government Research, Inc., Los Angeles, California. During the summer, he served as visiting assistant professor at the University of California at Los Angeles.

At the University of Tulsa, Mr. Edwin W. Butler has resigned his instructorship to enter the University of Colorado Law School and Miss Marian Lashley has been appointed instructor for the current year.

Dr. Clifford E. Garwick has been appointed to a professorship at Washington and Jefferson College.

Dr. G. Leighton La Fuze, formerly associated with the University of Florida and the University of Virginia, and more recently with the Department of State, has been appointed assistant professor at the University of Maryland.

Dr. Lester H. Phillips has resigned at Colorado State College of Education to accept an associate professorship at the University of Redlands.

At Hendrix College, Professor Richard E. Yates has been advanced to an associate professorship.

The University of Maryland has recently established a bureau of public administration under the directorship of Professor Joseph M. Ray.

In coöperation with the New Jersey Association of Teachers of Social Studies, Rutgers University held a Government Institute, on July 14 and 15, in connection with the state's constitutional convention. New Jersey's constitutional development was presented by Mr. Richard P. McCormick, of Rutgers, and Mr. John E. Bebout, of the National Municipal League. Dr. W. Brooke Graves, of the Library of Congress, discussed "The Essentials of a Good Constitution." Professor Arthur W. Bromage, of the University of Michigan, spoke on "Constitutions and Local Government." Executive, legislative, and judicial functions were discussed by Dr. Charles Erdman, commissioner of economic development, Dean

George Harris, of the Rutgers Law School, Senator Roy V. Wright, and Assemblyman Bernard W. Vogel. A forum on "Areas of Controversy in the Convention" was presented by Mrs. Jane Barus, delegate to the convention from Essex county, Professor Charles C. Rohlfing, of the University of Pennsylvania, Professor Bennett M. Rich, of Rutgers, Professor Bromage, Mr. Bebout, and Dr. Graves.

The Russian Institute of Columbia University opened its second year on September 25, 1947. Approximately fifty students have progressed to the second year of the two-year course, and a new class of some fifty entered the first-year program. Grants-in-aid and scholarships have been made possible for especially meritorious students from a grant received from the Carnegie Corporation of New York, as well as from the regular scholarship funds of Columbia University. The national character of the student body during the first year is attested by the fact that students entered with baccalaureate degrees from thirty-seven colleges. Half of these had previously engaged in graduate study at eighteen different graduate schools. Nineteen of the students had received advanced degrees before their admission to the Russian Institute. The major addition to the curriculum for the present year is a joint seminar in various aspects of American-Soviet relations since the Revolution of 1917. All students in the second year participate, along with all staff members—such participation bringing to bear on the problem the approach of faculty members and students specializing in history, government, economics, international relations, literature, and law. In addition to taking part in the joint seminar, each second-year student works in a seminar in his major area of interest and prepares an essay under the supervision of his adviser. A working knowledge of the Russian language is a prerequisite for seminar participation.

The Institute of International Education, 2 West 45th Street, New York City, announces that it has been requested by the Argentine National Cultural Commission to assist in the selection of two United States graduate students who will receive fellowships from the Commission for ten months' study in Argentina. The fellowships will run from March 1 to December 31, 1948, and will provide round-trip travel plus 5,000 Argentine pesos (about $1,250 at current official exchange rates). Candidates must have a working knowledge of Spanish.

For many years, the U. S. Census Bureau has compiled and published statistics on governments, especially state and local. A bulletin issued in September furnishes a convenient list of such publications, with some indication of certain ones to come.

After two years in Germany with the Civil Administration Division, Office of Military Government for Germany (U. S.), Dr. Roger H. Wells

has resumed his professorship at Bryn Mawr College. Dr. Wells was first Chief of the Local Government Branch and then Chief of the Elections and Political Parties Branch. Subsequently he served as Consultant and Deputy Director for Zonal Affairs. While his work involved all aspects of German civil government, he was particularly concerned with the reëstablishment of democratic local and *Land* governments in the U. S. Zone. He was a member of the Interdivisional Committee on Governmental Structure which reviewed the constitutions of Bavaria, Hesse, and Württemburg-Baden and was special O.M.G.U.S. liaison officer to the Bavarian Constitutional Convention. He was also a member of the O.M.G.U.S. delegation to the Moscow Council of Foreign Ministers in the spring of 1947 and was head of the U. S. Military Government delegation to the Seventh International Congress of Local Authorities, Paris, July, 1947. For his service to Military Government, Professor Wells was awarded the Medal of Freedom by General Clay.

At a dinner at the Fifth Avenue Hotel in New York on September 19, the 1946 *Annual Survey of American Law* was dedicated to former Senator Robert M. La Follette, Jr., Representative Mike Monroney, and Dr. George B. Galloway "in recognition of their distinguished service in safeguarding the legislative process through the enactment of the Congressional Reorganization Act of 1946." Written and published by the faculty of the New York University School of Law in collaboration with Dean Arthur T. Vanderbilt, five volumes of this annual *Survey* have now appeared. The earlier volumes were dedicated to Chancellor Chase of New York University, Dean Emeritus Sommer, Judge Manley O. Hudson, and Carl McFarland. Chancellor Chase presided at the dinner, which was attended by 200 members of the faculty and alumni of the law school. Dr. Galloway accepted the award on behalf of ex-Senator La Follette and Congressman Monroney, who were unable to be present.

At the University of Washington, an Institute of Public Affairs has been established to develop and coördinate graduate and research activities in government and administration. At present, the major activity of the Institute is a two-year graduate professional curriculum in public administration, leading to a specialized master's degree, and designed to prepare for administrative positions in the public service. The program covers six fields: the development of American institutions, the administrative process, public management, the economics of public activity, and administrative problems. A working interneship is included. The faculty for the program consists of Professors George A. Shipman (public administration), Kenneth C. Cole (public law), W. Stull Holt (history), James K. Hall (economics), and Donald H. Webster (state and local government).

With a view to more adequate university training for public service, the legislature of Illinois lately created a commission to study the appropriateness of establishing at the University of Illinois a "curriculum in government"; and the commission's report, submitted last May, recommended that the University proceed as rapidly as possible to develop "a broad program of teaching, research, and extension in government and public affairs." As a result, the trustees of the institution have established an Institute of Government and Public Affairs, under the directorship of Professor Horace M. Gray, professor of economics and associate dean of the Graduate School. According to an announcement recently received, "the new University unit will, under its teaching function, provide general instruction in government for all students, specialized professional training for students desiring to prepare for government service, and graduate training for especially qualified students who desire to prepare themselves for higher administrative and research positions in various types of public service. Its research will include investigating specific practical problems that arise in all levels of government—local, state, federal, and international—and making the results of such studies freely available to governmental agencies and public officials who may need such information. Under its extension services, the Institute will provide general instruction in government for those whose circumstances make it impossible for them to study on the campus; provide technical, on-the-job training for those engaged in government service, with a view to improving their professional competence; and make available to all agencies of government technical information and counsel to assist them in the solution of problems."

BOOK REVIEWS AND NOTICES

Commonwealth: Massachusetts, 1774–1861; A Study of the Rôle of Government in the American Economy. By Oscar Handlin and Mary Flug Handlin. (New York: New York University Press. 1947. Pp. xiii, 364.)

In order to supplement our knowledge of the economic policies of state governments prior to the Civil War, the Social Science Research Council's Committee on Research in Economic History has set up studies of "politico-economic thought and action" in four states: Massachusetts, Pennsylvania, Georgia, and Illinois. This study of Massachusetts policies is the first to be published.

The authors' broad conclusions may be stated briefly. From Independence down to the Civil War, government was considered to be, and was in fact, a significant force in the Massachusetts economy. Neither in thought nor in action was there any trace of the *laissez-faire* argument. Important changes took place in the direction of public policy. Following Independence, the policy was similar to that generally called mercantilism in Europe. The Commonwealth attempted to guide productive enterprise by the granting of privileges in one form or another. The influence of social and political democracy resulted in the diffusion and multiplication of the governmental instruments of privilege to such an extent that they lost much of their significance. Accompanying this development, however, was an acceleration of the reform and regulatory activities of the state. Arguments against privilege were not transposed into arguments against government regulation, as was the case in Europe. In the Massachusetts society of this period, those who wanted social and economic reform were able to pursue their ends without resort to the *laissez-faire* myth which accompanied the break-up of mercantile policies in Europe. The attitude toward government was a balanced one. The state was not regarded as omnipotent. An evolving doctrine of private rights, and a legal system to apply and enforce it, established limits on government action. It is impressive, and almost depressing, to compare this judicious attitude toward the rôle of government in the economy with the various mythologies that have striven for ascendancy in this country since the Civil War.

The authors have not labored their conclusions. In fact, they seldom bother to make them explicit. An exhaustive analysis of opinion and policy made this unnecessary. Following a method partly chronological, partly topical, they have packed into 263 pages of text a surprisingly detailed account of the evolution of the economic setting in Massachusetts, and of governmental policy in relation thereto. The writings of men of affairs have been carefully examined, but primary consideration has been given to governmental action. In keeping with their central purpose, the authors have made no attempt to trace the administration or the

effects of governmental policies. In the opinion of the reviewer, this limitation was soundly conceived.

The first two chapters furnish valuable accounts of the background of the constitution of 1780 and the development of governmental policy through the stormy 1780's. Chapter III is invaluable for its rich and compact treatment of the specific measures taken by the Commonwealth in the early years to promote economic development. Chapters IV and V trace in great detail the evolution of Commonwealth policy regarding association and incorporation down to about 1820. Chapter VI is an analysis of the development of the legal system and of the growth of the distinction between public functions and private rights. The last four chapters deal with the decades following 1820, which forms a rough dividing line. Chapter VI, entitled "Acquiescence as State Policy," traces the decline of incorporation as an instrument of conscious governmental control of enterprise in manufacturing, banking, insurance, transportation, and other areas. The authors point out that multiplication of corporate charters "had ended by devouring the state's capacity to direct production through judicious bestowal of the privilege" (p. 194). In the remaining three chapters, they protray the background, attitudes, and policies which made of the state what they describe as a "regulating agency," in contrast to the earlier mercantilist "Commonwealth." The roots of reformist and regulatory policies, however, are traced back through the earlier period. These last three chapters contain a wealth of material concerning the manifold preoccupation of government with economic conduct from 1820 to 1860.

The contribution made by this study is enhanced by frequent but unobtrusive use of footnotes; a valuable note on sources (pp. 283–299); an exhaustive bibliography (pp. 300–342); and a full index.

HUGH L. ELSBREE.

Legislative Reference Service,
Library of Congress.

Reflections on Public Administration. By JOHN MERRIMAN GAUS. (University, Alabama; University of Alabama Press. 1947. Pp. 153. $2.00.)

In his compendious volume, consisting of lectures delivered to professional students of public administration, Professor Gaus has stated, against the background of contemporary trends, particularly the current anti-government feeling now rumbling in the public belly, some of the simple, hence subtle, truths upon which the health and survival of the body politic depends. The ideas are not new, for the most part, but they are timely, and they are set forth with that combination of sympathetic insight, reasonableness, and leisurely learning that only John Gaus seems to bring to the discussion of public administration.

The chapter on the "Ecology of Government" alerts the student to the basic factors which explain "the ebb and flow of the functions of government." A major point of the following chapter on "Politics and Administration" is the absence of any easy answer to public problems. In the reasoned and reasonable solution, patiently arrived at through all the laborious processes of democratic government and responsible administration, is the only hope of progress. With these points set down, Gaus goes on to analyze and comment shrewdly on the governing processes.

The discussion of "Policy and Administration" emphasizes the logic of executive leadership and an integrated approach to the public problems of an integrated society. "Devolution and Federation" explores the possibility of escaping from the problems of great size and complexity through geographic decentralization and functional devolution; the conclusion is that while such steps may often be desirable for other reasons, they do not simplify, but probably "complicate and further enlarge the rôle of legislation, administration, and adjudication."

Having accepted complexity as inevitable, the author turns to "The Purposes and Procedures of Control." He notes the inadequacy as well as the value of formal legislative and judicial procedures, and stresses the potent part of auxiliary and staff specialization and of lay participation in preventing administrative errors or excesses. He ends the chapter on his now familiar note of "administration as education."

In the theme of the concluding chapter, we find a compensation for the difficulties created by great size and complexity. They more or less doom personal government. Key figures, in the party as well as the administration, must have and utilize a staff, a working team of experienced men, to cope with their jobs. Gaus finds comfort in a sort of historic determinism that has operated not only in recent decades but at other times to force key figures to institutionalize their functions.

The reviewer has the impression that mature readers will understand (and agree) with Gaus. Readers of less experience or insight may not follow him. Gaus' treatment is suggestive, or subtle, although penetrating. The reviewer sometimes wishes that the distinguished author used a blunter weapon and laid about him more vigorously. A rapier thrust ought not to be so quick and skillful that the villain doesn't know that he has been dispatched. One value of the *Reflections* is their frequent reference to the observations of early students of the problem, nineteenth century as well as twentieth. We need to be reminded that neither the problems of "modern" government nor the understanding of them began with us.

Since the proof of the ointment is the fly, the reviewer is obliged to pick out one small gnat. The implication of a sentence on pages 99–100 seems to be that President Truman named Henry Wallace secretary of com-

merce. Wallace was confirmed by the Senate March 1, 1945, more than a month before Roosevelt's death.

GEORGE A. GRAHAM.

Princeton University.

American Military Government in Germany. By HAROLD ZINK. (New York: The Macmillan Company. 1947. Pp. 272. $4.00.)

In the headlines of the American press, denazification and fraternization were the sum and substance of military government's initial phase in Germany. The whole story did not, and could not, at first appear. That the occupation of the Reich was failing and that Americans were bungling the job became the general impression when the newspapers shed more heat than light on the long-hidden situation within the fallen Fatherland.

The author of this book, Professor Harold Zink, of DePauw University, served as a staff officer during World War II in the German country unit of SHAEF and helped prepare the *Handbook for Military Government in Germany*. Later he was assigned to the United States Group, Control Council for Germany, and has since prepared through the Social Science Research Council his account of occupation in the American zone of the Reich. Since Professor Zink has avoided fulsome praise and devastating criticism, facts, events, and trends are scrutinized objectively for what they have proved worth in the long run.

Before military government, the reader learns, came training of those specialists recruited from civilian and military sources for occupation duties. Their indoctrination at Fort Custer, in the university classrooms of the Civil Affairs Training Schools, and at Charlottesville, receives critical analysis. In the schools on the other side at Shrivenham, and on the Continent itself after the invasion, instruction in area, language, and administration continued until the eventual day of action arrived. When training became coterminous with waiting, repetition became a fine art. Timing, so crucial for morale and efficiency, was something beyond even General Eisenhower's control, and "hurry up and wait" became a byword with the impatient detachments.

What happened when the long months of inactivity ended in the winter and spring of 1945? The answer, as in any administrative problem, was contained in the men themselves. "Top Brass, Officers, and GIs" is the chapter which examines the credentials of MG's specialist corps. Although the author makes due allowance for mistakes in individual selections, and although he discounts the confusing picture painted by violent pro and con reporting, the book looks farther to find why the early results in Germany fell short of the high hopes held by the MG officers themselves. Not only did the bombed and blasted Reich surrender, but its civil struc-

ture, undermined by NSDAP domination, collapsed like a house of cards before V-E Day. To get the lights turned on again or to restore a safe water supply, the paralyzed Germans waited for American orders. At the *Landkreis* and *Stadkreis* level, local administration had to be raised from the dust of national disaster, and for this complete ruination all the training in the world would not have equipped the teams. Confronted on the one hand by the need to get civil administration into operation again and on the other by the fact that so many Germans, to survive, must have been tainted with totalitarianism, the officers found in their manuals no easy solution for the dilemma in which they found themselves. Such total dissolution of primary governmental processes from the demolition of office-buildings to the disappearance of the officials with their Nazi-impregnated files and the blank wall of local initiative forced the hand of military government officers. Professor Zink describes judiciously the not-always consistent demands upon them to erect some semblance of authority and at the same time to fulfill the three D's of directives: denazification, democratization and decentralization. While credit is bestowed upon detachments which did well merely to preserve law and order in Hitler's wake, full weight is fairly given to the pitfalls and potholes which beset their every move.

As to top policy, in the light of which the remotest echelons in the field were expected to act, belated adoption of the Morgenthau plan had delayed the issuance of the official MG handbook. Some detachments, as this monograph makes evident, took their posts without sufficient grounding in policy, and then came the Aachen affair in which the *Burgermeister* turned out to have a Nazi record. In the reaction of nerves which ensued and under the pressure of home-front opinion, elimination of any degree of Nazism was decreed from top to bottom, down to the most minor clerical positions. This precipitated processing of the *Fragebogen*, stacked like cordwood throughout MG headquarters in blasted cities and villages. The amount of effort expended initially in this sweeping and sometimes superficial treatment of the deep-seated problem of denazification has raised legitimate questions in this author's mind.

Following the chronology of recruiting personnel, training here and overseas, the combat phase and initial occupation techniques of the spring and summer of 1945 comes an evaluation of the long-term institution of the *Länderrat* in the American zone. Special emphasis is given in successive chapters to denazification; reëducation of the Germans; the goal of democratization; economic program; military government policy; the rôle of the State Department; public relations; treatment of the German people; and the Berlin District. There is apparent a thorough understanding of the impact upon the Germans who are, after all, the most numerous characters in this military drama. With skill, the reader is kept aware of the interrelations between the detachments in the field and "the

higher echelons": USGCC; G-5 of SHAEF; G-5 of USFET; and OMGUS. For those unfamiliar with military organization, Professor Zink offers clear analysis of the relation of military government units to Division, Corps, Army, Army Group, and SHAEF. He has managed to spell out the transition of military government from command channels to what might be called, for lack of a better term, military government channels. Charts are available for those who like to see a generality reduced to specification before their eyes. In addition to sound observation and blunt appraisal, the value of this study will be as a means of informing the American public about the successes and failures, the high and low points, of American occupation in its particular zone. The conclusions delineate in sharp perspective the dangers and difficulties encountered by the Army, still saddled with responsibility for control and forced to work in a four-way hitch. By showing how Americans have handled the inception and development of the occupation, a framework is provided for an understanding of the responsibilities which we still shoulder without being in sight of release.

ARTHUR W. BROMAGE.

University of Michigan.

A Foreign Policy for the United States. EDITED BY QUINCY WRIGHT. (Chicago: University of Chicago Press. 1947. Pp. x, 405. $4.50.)

As a people, we are given to violent extremes. Within the memory of all except our youngest citizens, we once proclaimed to the world that its political maneuverings—the evil heritage of a disreputable past—were of no consequence to us because we conducted our foreign affairs in the white light of a higher morality. Now, all of a sudden, we proclaim to the world that our national political interests have become global in scope, and that we are properly interested in political happenings everywhere. Thus as we plunge so suddenly into international affairs, we tend in the consciousness of our power to overlook both our inexperience and the limits within which our power can effectively be exercised. We may sail successfully on to our Ithaca, but we shall avoid the rocks of stark disaster only if we are wiser collectively than we shall be if we rely merely on the crude instruments of our material strength and our traditional common sense so venerated by our publicists.

This is another way of saying that we were never in greater need of books such as this collection of the papers and discussion summaries of the 1946 Harris Institute. Happily it is not, as the title misleadingly suggests, a compilation of policy recommendations emerging as an artificial attempt to reach a consensus of conference opinion. It is a thoughtful and expert survey of some of the major fields in which foreign policy problems tend to arise—great-power relationships, general security, regional policies, international economic policies, and international informational policies.

Under these rubrics, a good deal of attention has been paid to specific policy problems such as atomic energy control and the future régime of Germany. The five major papers are on "The United States and the Other Great Powers" (Professor W. T. R. Fox of Yale), "The United States and the United Nations" (Dr. Leo Pasvolsky of Brookings), "The Expansion of World Trade and Employment" (Mr. Clair Wilcox of the State Department), "Free Enterprise and Commercial Policy" (Mr. Herbert Feis, formerly Economic Adviser of the State Department), and "United States Policy Concerning International Information and Cultural Relations" (Mr. Kenneth Holland of the State Department). These are supplemented by the papers read by each of the round-table leaders and by a carefully edited digest of discussions.

Clearly, no single review of modest length can do justice to these fifteen papers and the comments of the participants in the round-tables. All that this reviewer can say by way of general observation is that the symposium as a whole sets a high standard of competence. It is recommended reading for all persons who are genuinely concerned over the prospects and possibilities of our new national rôle. Its perusal will not make them sleep any more peacefully at night, but such insomnia might not be a total loss.

For the reader who must run too fast to read the entire book, the first two sections on the great powers and security problems are specially to be recommended. Professor Fox, and his colleague Professor de Kiewiet, "The United States and the United Kingdom," and Professor Hazard, "The United States and the Soviet Union," have dealt with the fundamental problems of Big Three relations with a competence which leaves little to be desired. The same is true of Professor Brodie's paper on "The Security Problem in the Light of Atomic Energy."

Taken together, these papers point to the need for a balancing of American-Russian relationships, not by a rigid delimitation of two spheres, but by blurred "belts of frontiers" where the present-day political orientation either eastward or westward may give place to a genuine and growing spirit of independence *vis-à-vis* both the glowering Titans. The authors recognize that this resurgence of national independence may not occur, but they are wise, at least in this reviewer's opinion, in suggesting that its emergence would enable us all, if not to sleep more easily, at least to dream less fearfully.

GRAYSON L. KIRK.

Columbia University.

The United States at War. Committee on Records of War Administration. Historical Reports on War Administration, Bureau of the Budget, No. 1 (Washington, D. C.: U. S. Government Printing Office. 1946. Pp. xv, 555. $1.00.)

This book, subtitled "Development and Administration of the War

Program by the Federal Government," deals with the growth of war production and certain allied problems such as stabilization, transportation, manpower, and food. It deals only with the major aspects of civilian administration, leaving other activities for later specialized treatment. Military and diplomatic events are referred to only as they affected civilian production.

The volume is the work of eight authors—Ethan P. Allen, Clarence H. Danhof, Harold F. Gosnell, Luther Gulick, Elias Huzar, V. O. Key, Donald H. Morrison, and Lloyd G. Reynolds. They were "torn between their interests in the technical aspects of administration and their mandate to produce an analysis of general interest." The reviewer, too, is torn.

First, the favorable comments: this will be the essential starting point for any research or writing about the war administration; it is indispensable; it contains a lot of information; its allocation of space is commendable; it is based on years of work by many more than the eight authors; the fundamental idea of a history of the war administration is sound; it is an honest history; its details are sure to be accurate.

Secondly, it is a very discreet history. It is written from inside the administration, but contains no "inside" stories. Praise is distributed sparingly, blame hardly at all. Few names are mentioned, and those only favorably. There are here none of the "horror stories" of maladministration which participants are now relating to their classes and colleges throughout the country. No beans are spilled, except one: "Before signing an order, the President liked to associate the terms of the order with the person who was to carry them out" (p. 223). (Everybody knew it, but where were his "principles of organization?")

Thirdly, after students have read this and passed their exams, the lessons history (this history) will have taught may well be these: (1) the administrators did the best that could be done under the circumstances; (2) the administrators did not cause the circumstances; (3) the solution of each problem as finally worked out was the right one; (4) the WPB was the hero of the war; (5) the military were a not insuperable obstacle to winning the war; (6) planning ahead was impossible, if not undesirable.

Fourthly, this will undoubtedly remain the most good-natured book on the war. What to one outside "the government" during the war seemed a depressing spectacle, and to those in it a bitter battle of Washington, was to these observers an encouraging example of democracy at work. In fact, there is a concluding chapter pointing out that German and Japanese war administration was so bad that our record is one in which the American people can take pride.

Finally, there are few charts and statistics. The style is grammatical and uniform. The diction is governmental. There is only one quotable sentence in the book. "These units were *bluntly* told that they were from that time

on 'staff divisions,' and that it was their function to . . . perform those phases of the functions where centralization of performance is unavoidable."

DAVID O. WALTER.

Washington, D. C.

Seen from EA; Three International Episodes. By HERBERT FEIS. (New York: Alfred A. Knopf. 1947. Pp. xi, 313. $2.75.)

As Adviser on International Economic Affairs in the Department of State, Mr. Feis was given the designation of "EA" as the alphabetic abbreviation for his office. This book is an interpretation of three international episodes with which he was concerned by virtue of his position. Although the narrative was prepared after the author resigned from the Department, it has benefited to some degree from his having reëxamined many of the relevant documents. As a result, Mr. Feis provides some new information and offers a series of grim revelations concerning the difficulties of international coöperation.

The first episode deals with efforts to increase American stocks of rubber during the years of impending conflict from 1936 to 1941. It is a story of frustration. First, the cartel controlling rubber proved uncoöperative; next the British and Dutch governments were recalcitrant; then business interests in the United States were unenthusiastic; and finally various Washington agencies opposed the purchase program. To some, this episode would be a clear lesson in the difficulties of the government going into business, but to others it would constitute a telling example of the short-sightedness of industry and certain governmental administrators. In his second episode, Mr. Feis recounts the negotiations for oil in the Middle East from 1943 to 1945. It is a story of general agreement on the necessity of obtaining reserves of oil and complete disagreement on how to do it. The Department of State and the Petroleum Administrator, Mr. Ickes, often worked at cross-purposes; the oil companies rejected various plans proposed by the government; British and Russian interests in the area complicated the problem; and Congress would not approve what the executive branch of the government finally proposed. In the eyes of "EA," the situation was reduced to hopeless confusion by the unhappy combination of personality differences, lack of careful planning, and poor strategy. The third episode describes the efforts of the League of Nations to halt Italian conquest of Ethiopia. The author demonstrates how Anglo-French appeasement and American neutrality scuttled the program of sanctions and hastened the demise of the League. Unlike the sections dealing with rubber and oil, only a small fraction of this account is based directly on the personal experience of the writer. Except for the note on the effectiveness of sanctions, he adds little to the information already available on the subject.

It would be unfair to criticize Mr. Feis on the ground that he does not give a complete account of these three episodes, for his intention is to discuss what he saw during his service with the Department of State. However, the author indulges in two practices which appreciably decrease the interest and readability of the volume. His policy of naming individuals only by their title is very confusing unless one is in the habit of reading with a government directory in hand. In addition, his inability to distinguish between an apt phrase and a purple-patched metaphor results in a style that distracts rather than pleases the reader.

FRED L. HADSEL.

George Washington University.

A Twentieth-Century Congress. BY ESTES KEFAUVER AND JACK LEVIN. (New York: Duell, Sloan and Pearce. 1947. Pp. xiv, 236. $3.00.)

What more should Congress do to modernize its facilities and its procedure? How can Congress strengthen its influence and better meet its responsibilities? Specific suggestions are the theme of this book. Representative Kefauver of Tennessee is already widely known among political scientists for his interest in improving Congressional performance. Dr. Levin has become, since the time of his work as co-author, a member of the research staff of the Legislative Reference Service.

The authors seek public discussion which will lead to action. "The national legislators must hear the aroused voice of an intelligent electorate, a voice insisting that there be a completely modern Congress to go hand in hand with a modern America" (p. 225). The book is written for that electorate. It is a book of advocacy, a blueprint, underscored by a deep faith in the essence of representative government and by optimism for its future. The technical paraphernalia of scholarship are minimized. The student of government will miss more keenly, however, a statement of the character and weight of opposing points of view. A few errors of detail need correction, as for example the statement (p. 49) that eighteen (properly sixteen) or more senators must sign a clôture petition before it is filed. Yet it is an informative book, forcefully written; and some of the practices in Congress are nowhere else so vividly described.

For the Reorganization Act of 1946, as a beginning, there is only praise; but for a modern Congress many and more sweeping changes are envisioned. Three constitutional amendments are proposed: four-year terms for House members and elimination of election of one-third of the Senate each biennium (presumably with four-year senatorial terms); consent for treaty ratification by majority vote of both houses; and representation in Congress for the District of Columbia. Among other major suggestions are electrical voting, a report and question period on the floor of each house for department heads, more effective party caucuses for discussion of issues, abolition of steering committees and substitution of joint ma-

jority and minority policy committees, still fewer standing committees with each one having jurisdiction matched precisely by a similar committee in the other house, modification of the seniority principle, further reduction of private or local bills, an end of filibustering in the Senate, better liaison with executive departments, and staffing under a merit system. Many of these proposals deserve immediate endorsement. All of them deserve study and, as the authors ask, discussion. Several are, without doubt, at present unacceptable to a majority in Congress. Since the authors are courageous, one might ask them whether electoral reform is not a part of a long-run program for a stronger Congress.

Observers of Congress know that increased pay and a retirement plan were the persuasive influences underlying adoption of the 1946 reorganization. Only masterful strategy by Senator La Follette, Representative Monroney, and their co-workers succeeded in coupling reorganization with a cash return. Some of the 1946 changes have already been ignored, and there is still danger that others will fall into disuse. By encouraging discussion of further Congressional improvement, Mr. Kefauver and Dr. Levin also build a bulwark for progress already made. Their major premise is both true and fundamental: the legislative process, as the heart of representative government, ought to be strengthened.

FRANKLIN L. BURDETTE.

University of Maryland.

The Nine Young Men. BY WESLEY MCCUNE. (New York: Harper and Brothers. 1947. Pp. 293. $3.50.)

The nine young men are the replacements made by Presidents Franklin D. Roosevelt and Harry S. Truman for the nine old men on the United States Supreme Court; and the book is a study of the men themselves and also of the work of the Court during the decade 1937–47. To make the volume less heavy, the author informs the reader, chapters on justices have been alternated with chapters on the justice meted out by the Court, term by term. It will be only natural if students find the analyses of decisions the more important, and lay readers find those dealing with personalities the more interesting. The author has had legal training, but his biographical sketches are better as journalistic pieces than as psychiatric analyses. This, too, is only natural, owing to the fact that Mr. McCune is a journalist.

The first chapter contains a readable and excellent account of the physical setting of the Supreme Court and a description of the working procedures of the Court in handling business. Chapter V is an intelligent statement of the problem of the law in adjusting specific controversies to the need for general principles and axioms. This chapter would help many an American to understand the perplexities that bedevil the Court. Justice

and law are not incompatible, but they are not as easily reconciled as most readers might suppose.

Mr. McCune seems to think that Mr. Justice Black is a great judge, and that justices such as Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Douglas suffer considerably from inadequate legal learning and judicial temperament. He appears to identify flexibility with departure from seemingly useful procedure, and judicial statesmanship with personal and partisan preferences expressed in satisfactorily intemperate language. But this reviewer does not wish to be unduly harsh on this point, because he is not sure that Mr. McCune means to describe a particular judge when he speaks of him as screaming or exploding. The author may only be making use of a literary form to awaken his reader. On the other hand, each reader must decide for himself in each particular instance whether or not it is the judge or the style that is in issue.

The volume is written in the journalistic style which makes appropriate use of slang phrases. Few people will have any difficulty in understanding most of the book. Readers of the next decade may find it difficult because some of its phrases will have become outmoded.

The book is an intelligent and honest attempt to combine biography and legal analysis for lay readers, and American government students will find it informative and interesting. As a rule, it is basically sound and quite accurate. The tendency to be "smart" should not obscure the true merits of Mr. McCune's study of the New Deal decade on the judicial side.

OLIVER P. FIELD.

Indiana University.

A National Labor Policy. By HAROLD W. METZ AND MEYER JACOBSTEIN. (Washington: Brookings Institution. 1947. Pp. ix, 164. $1.50.)

The "national labor policy" advocated in this Brookings Institution report is, in the main, that which since its publication has been enacted into law in the Labor-Management Relations Act, 1947, better known as the Taft-Hartley Act. In some respects, particularly in relation to industry-wide bargaining, the policy advocated restricts unions even more drastically than does the new Congressional legislation.

This policy is urged as being necessary to equalize the bargaining power of employers and unions. Prior to the new legislation, "labor organizations and labor leaders [were] in a dominant position in the whole economic and political system." This resulted from the New Deal legislation and its administration in a manner grossly unfair to employers. Prior to the New Deal, the federal government pursued "the general policy of non-interference" in the labor field. Only in the Railway Labor Act of 1926 and the Norris-La Guardia Act of 1932 was there any departure from this wholesome policy.

Little evidence is presented in this report in support of this thesis. At a

few points reference is made to an earlier study by the first author, *The Labor Policy of the Federal Government*, published by the Brookings Institution in 1945. An examination of this earlier study, however, reveals that many statements are made in the report reviewed for which no evidence is presented in either study.

Some of the statements made are misleading or doubtful. The authors surely know that the federal courts had a large rôle in labor disputes and labor relations prior to the Wagner Act. It is to be presumed also that they are familiar with the extensive labor provisions of the Clayton Act and the many federal statutes dealing with labor conditions and labor relations on the railroads which antedated the Railroad Labor Act. Still more misleading is the implication which runs through the book that the policy advocated does no more than restore the balance in the law as it stood before the New Deal. Very questionable also are the assumptions that employers have been no match for the unions in the recent past and that corporations are now subject to practically all of the restrictions which, it is argued, should be placed upon the operations of unions.

But this report cannot fairly be judged as an impartial study. It was published at the opening of the Eightieth Congress and was written to influence its action on labor relations legislation. It represents Brookings Institution in the rôle of an advocate rather than as a research agency. Now that the legislation advocated has become law, its value lies principally in setting forth the arguments which were effective in getting Congress to act as it did.

EDWIN E. WITTE.

University of Wisconsin.

The American Radio. BY LLEWELLYN WHITE. (Chicago: University of Chicago Press. 1947. Pp. xxi, 260. $3.25.)

This superb report on the American radio-broadcasting industry was made under the auspices of the Commission on Freedom of the Press by the assistant director of the Commission's staff. The study is both analytical and historical. It undertakes to describe the mess we are in and to explain with penetrating precision how we got this way.

Valuable as it is as a reference work and in pointing the way to better things, the study contains few startling surprises. Not many of the 90,000,000 or so people in this country who listen more or less regularly to the 45,000,000 or more receiving sets will be astounded to discover that the radio industry has sold out to the advertisers. Nor will many of them be particularly surprised to learn that these advertisers are more interested in breaking down consumer resistance than in developing a carefully-planned, long-range broadcasting program based on the best interests of the general public. In view of the wide publicity given to Hooper and other ratings and surveys, they may be somewhat surprised, however,

to discover that the broadcasters are not deeply concerned about long-range citizen needs. These ratings and surveys are supposed to be the acid test. Actually they are nothing of the sort. They do little more than indicate the preferences that those who are listening at a given hour may have among the two or three or more alternatives available to them. They give no indication as to what these same listeners might prefer if other alternatives were available, nor as to what those who are not listening might like to hear. Moreover, these surveys are, at best, merely attempts to determine the desires of the listeners and not the needs of the public. Obviously, there is a vast difference.

Clearly, the listener is not the forgotten man. Nevertheless, he is the silent, and to a great degree, the acquiescent partner. He needs to rebel. He should organize and channelize his objections; he should make positive demands for better things. The broadcasters, for their part, should stop raising the issue of freedom of speech and recognize that the air belongs to the public and that the public may legitimately demand the creation of criteria for good program content and better service generally. Moreover, they should create clearing houses for radio ideas and should listen to and evaluate one another's programs. Above all, they should put the advertisers at arm's length and keep them there. Congress, the Federal Communications Commission, and the courts could help, too. Congress should be more generous in supplying funds and personnel for the F.C.C. The Commission should accentuate still further its recently acquired "public service" attitude toward its own responsibilities. The courts should be less cautious on questions of constitutionality.

Students of public opinion will find no revolutionary recommendations in this report. Nevertheless, it should be on the reading list for every course in public opinion. It is a tremendously valuable source of information, and if the recommendations were put into effect the consequences might be positively revolutionary.

E. ALLEN HELMS.

Ohio State University.

Natural Gas and the Public Interest. BY FREDERICK F. BLACHLY AND MIRIAM E. OATMAN. (Washington: Granite Press. 1947. Pp. 159. $1.00.)

The appearance of this study while Congress is considering amendments to the Natural Gas Act desired by gas, oil, and coal interests readily enables the general reader as well as the student of government and economics to understand the basic factors involved in a complicated problem. As the authors indicate, unless state and federal governments act soon to prevent the further physical waste of natural gas and to control more adequately the types of use and extension of service into new areas, experts agree that our present known resources may be entirely exhausted

within the next thirty or forty years. Large segments of our economy may be disrupted if gas is to displace other fuels only temporarily. States such as Louisiana, lacking other fuel resources for their future economic development, may be deprived of the one source which they now have readily available.

The authors describe clearly and impartially the background of state and federal regulation, the elements peculiar to the regulation of natural gas companies, the arguments of advocates and opponents of further regulation, and finally their own views on how the public interest may best be protected. Briefly, they recommend that (1) both state and federal governments should use their taxing powers in order to discourage wasteful below-cost sales; (2) the states should fix minimum prices at the well head and should also enable all producers to enjoy the use of available gathering facilities (should the states fail to take unified action in this respect, Congress should do so in so far as possible under the interstate commerce power); (3) the states should prohibit the use of natural gas for certain purposes, and the Federal Power Commission, in granting certificates of convenience and necessity, should also consider "end use" and location use; (4) the Federal Power Commission should not only retain the powers it now has, as broadly interpreted by the Supreme Court, but also should be empowered to regulate the rates of natural gas sold in direct sales as well as those it now regulates for gas sold for resale.

Progress toward acceptance of these suggestions necessarily will be slow. The enactment of state legislation and the achievement of interstate uniformity and coöperation is a time-consuming process, even where the states are favorably inclined. On the federal level, the present disposition of the Federal Power Commission seems to be primarily in the direction of removing by general rules the two chief grounds for company dissatisfaction, namely, the requirements for service-area authorizations and the extent of its jurisdiction over production and gathering. One may question, however, whether the Commission, by the use of blanket rulings with respect to both of these matters instead of the consideration of each case on its individual merits, may not be unduly restricting the scope of its authority. It is hoped that in its forthcoming report on the results of its extensive natural gas investigation the Commission will ask Congress for clarification of all uncertain provisions in the Natural Gas Act, and that it will also discuss the merits of such far-sighted suggestions as those made by Drs. Blachly and Oatman in their provocative and valuable contribution.

ROBERT D. BAUM.

Arlington, Virginia.

Financial Administration of Municipal Utilities. By IRVING TENNER. (Chicago: Public Administration Service. 1947. Pp. xi, 152, $3.75.)

In the conduct of municipal affairs, one function which has grown

significantly in recent years is public ownership of utilities. In the management of such enterprises, the fiscal responsibility entailed is of importance to the city and to the taxpayers alike. In 1947, among the cities containing more than 5,000 population in the United States, 1,390 reported municipal ownership and operation of municipal water supply and distribution; 959 had sewage treatment plants; 332 had municipal airports; 267 provided municipal electric generation and distribution; and 168 owned electric distribution systems. A lesser number of these cities reported ownership and operation of other utilities such as bus or trolley bus, street railways, gas works, port facilities, and slaughterhouses.

A municipal utility is defined by Mr. Tenner, in the practical manual which he has written, as any enterprise operated by a governmental unit to render service to the public for compensation. Although he deals only with electric and water plants as being the common utilities owned and operated by small cities, some of the principles discussed apply to other utilities as well. The material is concisely formulated in the style of the ICMA studies dealing with such subjects as municipal finance, municipal personnel, police, fire, and public works administration. As a guide to sound financial administration of municipal utilities, to detailed procedures, and to technical forms, the study will be particularly useful for those engaged in the application of underlying principles. Some of the forms presented as models were originally prepared by the author for the Municipal Finance Officers Association.

In analyzing the intricate questions of financial policies, rate structures, budget preparation and control, debt administration, handling customer accounts, cash and banking, purchasing, payroll administration, management of fixed assets, accounting, auditing, and reporting, the author's treatment is reliable, lucid, and informative. In structural matters relating to municipal organization, his interest is secondary.

A board appointed by the mayor with the approval of the city council is recommended for the direction of a utility in preference to an independent board on the one hand or a committee of the common council on the other. So far as these three types of management go, few would quarrel with the opinion expressed. There are, however, other alternatives such as appointment of a board by the mayor alone (strong-mayor plan). Again, what would Mr. Tenner say as to appointment of the board or of a director by the manager under the council-manager system? This is a fundamental question on which other possibilities could be canvassed.

When it comes to the fundamental issue of fiscal policy as to profits, Mr. Tenner is well aware of present-day pressures for municipal revenues which bring demands for contributions from utility profits to municipal general funds. He points out that the utility should take advantage of services which the municipality can render such as accounting, purchasing, and legal services. Payments made in lieu of property taxes are

recognized as a legitimate operating expense of the utility. Contributions are described as outright gifts. "They really represent a hidden tax levied by the municipality upon customers in proportion to use." The author points out the theoretical objections to contributions which result in hidden taxes. On the other hand, he indicates the organizational patterns and practical pressures which, supported by arguments from expediency and necessity, may result in the requirement of contributions. To avoid unintentional distribution of profits in the form of contributions, accumulated profits should be earmarked by setting up reserves. While the author's arguments may not prevent cities from tapping utility profits for contributions to general funds, he has certainly made clear the reasons operating against this practice.

For practitioners concerned with the internal, fiscal management of municipal utilities and fiscal policy, as well as for municipal utility executives and employees, the study will serve not only as a standard reference, but also as an in-service training handbook. In all phases of financial administration covered in the book, a successful effort is made to expound basic principles, and to inform the reader through charts and illustrative tables as to technical procedures required to carry theoretical principles into operation.

ARTHUR W. BROMAGE.

University of Michigan.

Monopolies and Patents; A Study of the History and Future of the Patent Monopoly. BY HAROLD G. FOX. (Toronto: University of Toronto Press. 1947. Pp. xxv, 388. $10.00.)

Unlike those contemporary writers who discuss the interrelationships of patents and monopolies and analyze the contribution of patent laws to the rise of monopoly in the invidious sense of that term, Mr. Fox approaches the problem historically with a view to demonstrating the necessity for further protection of inventors regardless of whether they are individual persons or corporations and regardless of whether their products be new and ingenious devices or mere useful improvements. In so doing, he devotes about two-thirds of his book to tracing the history of monopolies from the time of the ancient Greeks through the successive stages of the English medieval guilds, the monopolies of the sixteenth and seventeenth centuries in England, and the decline of the monopoly system, to the gradual evolution of the modern patent of invention.

Although the historical portions of the book are probably the most valuable, it is not Mr. Fox's purpose to write history, but to demonstrate that, despite all their abuses, monopolies in sixteenth- and seventeenth-century England served a useful purpose in promoting the development of English industry and commerce, and that as a consequence greater

protection of inventors in the form of limited monopolies over their inventions and improvements would serve a good purpose in the twentieth century. Although the first contention to the effect that monopolies were the major device in giving England industrial primacy is doubtful in view of other contributing factors, the second indeed proves too much; for modern inventions, as Mr. Fox admits, are often the products of mass corporate research wherein the individual worker is engaged in only a portion of the process and may be ignorant of what his co-workers are doing, and in the end the patent monopoly is held not by an individual person, but by a corporation. Oftentimes, too, patents owned by original inventors mean little unless a monopoly or oligopoly desires to purchase it.

In the second portion of his book, Mr. Fox is primarily concerned with the development of the law of patents of inventions. He finds the origin of patent laws in the English Statute of Monopolies of 1624. Unfortunately, in his view, the English courts, by judicial legislation, changed this statute in such a way as to limit the granting of patents only for new and ingenious devices instead of for any discovery or any useful improvement. By judicial decision and statutes, the United States and Canada reached the same result. He proposes in this respect that Western nations return to the Statute of Monopolies by granting patents for any discovery or improvement. To avoid the evils of patent suppression and to provide for widespread use of new improvements, he advocates a system of compulsory licensing of patents after the French practice.

Mr. Fox has a definite preference for the "spirit of joyous pioneering" of the Elizabethan age in contrast "to the dismal torpidity and shrinking fear of our own times, when the *summum bonum* seems to be nothing more attractive than the dead level of mediocrity which goes by the name of security, under the leaden hand of socialism" (p. 85). Although he does not think well of this day of that rather amorphous fellow, the "common man" (p. 296), he pleads for patents for the "little fellow" when he makes "little" improvements (p. 302). One wonders, therefore, whether the "spacious days of great Elizabeth" are preferred for reasons other than their intrinsic merits, and whether the plea for the "little fellow" is made in the knowledge that a patent law which will benefit him will confer even greater advantages upon a corporate collectivism.

More than fifty pages of the book are devoted to useful appendices containing important cases, lists of English monopolies, proclamations, and statutes. Withal, however, the book contributes little to a solution of the existing problem of industrial patents and monopolies and is hardly worth the price charged.

ROBERT J. HARRIS.

Louisiana State University.

Agenda for Progressive Taxation, By William Vickrey. (New York: The Ronald Press Company. 1947. Pp. xi, 496. $4.75.)

New public-finance literature has recently concerned itself mainly with so-called fiscal policy. Mr. Vickrey's book, on the other hand, is mainly in the older tradition and deals with tax theory and tax mechanism, particularly the latter. To anyone who doubts the abundance of analytical problems in tax institutions, this book is recommended. As a field of mechanics, public finance need take no back seat to physics and engineering.

Although the author's style is clear and readable, the book in its entirety could hardly be recommended for the layman. It leads into too much highly involved subject-matter. But it should provide excellent fodder for many a university seminar for a long time to come.

The book covers most aspects of income and death taxation, including the levies by states. Among the aspects stressed and the recommendations developed are the following: imputed income—this should be included in the income tax base at four to six per cent of the taxpayer's equity; life insurance—interest on life insurance reserves should be included in the income of the policyholder (the author's discussion illuminates a neglected area); capital gains and losses—these should receive treatment on a parity with other income; corporate saving—the author prefers a levy on accumulated surplus equivalent to an interest charge; averaging—faith in life-long cumulative averaging is reiterated; joint and separate returns —per capita graduation with special weighting for dependents is favored; federal-state-local integration—a centrally administered supplement with credits to residents for taxes paid the state of origin is advocated; rationalized and integrated succession tax—use of a formula that would neutralize for differences in intervals between levies and for various forms of transfer (such as life-estates) is preferred; spendings tax—this is proposed as a supplement to or substitute for the income tax except for the higher brackets. In addition, there is an excellent discussion of tax problems associated with depreciation, depletion, and obsolescence.

The author offers many illuminating comparisons between tax procedures in Great Britain and in the United States. The treatment is generally penetrating, exhaustive, and scholarly, and it is distinguished for its boldness and originality. The author has few if any inhibitions related to concern about simplicity, intelligibility, and workability of tax laws. In the reviewer's opinion, he greatly underrates the formidable complications that any system of averaging would involve, especially if we continue to change the standards of our income tax law as frequently as in the past and as reformers would like. Moreover, the reviewer fails to catch any persuasive reason why expenditures are preferable to income as a basis for progressive taxation. But these reservations do not alter the

conclusion that the book is as stimulating and creative a work on certain tax institutions as has appeared for a long time.

HAROLD M. GROVES.

University of Wisconsin.

Economic Freedom for the West. BY WENDELL BERGE. (Lincoln, Neb.: University of Nebraska Press. 1946. Pp. xiv, 168.)

The former Assistant Attorney-General of the United States in charge of anti-trust prosecutions, Wendell Berge, a native of Nebraska, is enthusiastic about the economic potentialities of the West, if it can escape the stifling oppression of monopolistic control by powerful Eastern interests. He writes eloquently, as if speaking on a favorite subject. Probably the hortatory paragraphs have been culled from public addresses; for he has spoken occasionally on the theme of this book. The design and manner are that of an advocate.

In the exigencies of war, which forced American industry into high gear, drove it into undeveloped areas, and broke all records of production, new frontiers of economic progress were discovered. And nowhere was the promise of industrial prosperity brighter than in the fifteen states west of the Missouri River and north of Oklahoma. This vast region contains approximately half the land area of the United States; yet in 1939 it supported only fourteen per cent of the population, and the value of its factory products was less than ten per cent of the total for the country. In certain natural resources and agricultural products, however, it is dominant, producing about seventy per cent of the wheat and sugar beets, over ninety per cent of the mercury, copper, and gold, and practically all of the silver. During the war years, manufacturing increased enormously. War plant facilities were expanded to the extent of more than three billion dollars by the end of 1944, and war contracts in the Western states amounted to five times the total value of their manufactured products in 1939. It was apparent that the West had "come of age industrially."

But the future prosperity of the West is not yet assured. In the process of conversion to peacetime production, the full development of this new frontier is threatened by the monopoly control of some industries, discriminatory transportation rates, and cartel agreements to close markets. Aluminum production costs, for example, are higher in the West than in the East and, inasmuch as the Aluminum Company of America controls the industry, the war plants will be closed because they cannot compete independently, or fall into the hands of Alcoa, which will close them because its other plants can be operated more economically. Much the same conditions prevail in the steel industry. Nevertheless, Attorney Berge believes that the West will flourish with free competition if the grip of Eastern privilege can be broken. First, of course, the trusts must be dis-

solved and the cartel system abolished. Then railroad rates must be equalized so that transportation in the West will cost no more for the same distance than in the East. Moreover, the unfair practice of charging Eastern prices plus transportation costs in Western markets for Western-made products ought to be forbidden. In spite of these handicaps, he declares that the economic freedom of the West, founded upon private initiative and fair competition, is not only possible but essential for the welfare of the nation.

JOHN ELY BRIGGS.

State University of Iowa.

They Voted for Roosevelt. By EDGAR EUGENE ROBINSON (Stanford Unisity: Stanford University Press. 1947. Pp. x, 207. $3.00.)

"Strange it is that the national government," this volume begins, "has published no complete record of the presidential vote in the United States." Professor Robinson goes far to remedy this incredible deficiency in this companion volume to his earlier monumental work, *The Presidential Vote, 1896–1932* (Stanford University, 1934). Taken together, these volumes place within easy reach of the politician, the scholar, and the public exhaustive statistics on the presidential voting strength of both major and minor party candidates of the last half-century. Except for recent Census Bureau reports, comprehensive midterm election figures are still wanting.

Following the earlier pattern, the present volume arranges ten tables of various combinations in a manner to show the vote (1) nationally, (2) by states, (3) by sections, (4) by states and sections, (5) by counties, (6) by counties and states, and so on. Each table presents a voting panorama and comparison for the last four presidential elections, resulting in the highest degree of convenience. Minor party votes are merely added together and designated as "other vote." The appendix, however, breaks down the vote cast in each state by minor parties. Of added value are plates showing the counties carried by the respective parties in the entire country. The figures are based on the official returns submitted by the states, in many cases corrected by the author on the basis of official county returns.

The figures alone assure the volume a permanent place in the library of every political scientist. Not content with merely presenting statistics, some forty pages of concise, pithy observations are given in answer to questions like: Was there a Roosevelt vote? How did the four campaigns differ? What will become of the Roosevelt vote? Though not detracting from the value of the book, some readers will be disappointed that no effort is made to tell (as the title might imply) which ethnic, religious, and economic groups voted for Roosevelt. Among the scores of conclusions, many already forgotten, are that there was no "national vote" for F.D.R.,

that "the electorate was seriously divided in each presidential election," causing "genuine uncertainty as to the outcome of each test," that a "great nation-wide minority . . . voted positively and vigorously in the negative," and that Mr. Roosevelt's leadership was "in the American tradition of opportunism."

This reviewer finds some statements in need of expansion, such as the concluding one that "in the twelve years as leader, Mr. Roosevelt was not one man with one program, but several men with several programs. But whereas his leadership appealed at times to reformers, to radicals, to labor leaders, to business men, to 'internationalists,' rarely did it appeal to all of them. At no time did it have a particular appeal to leaders in the area from which he was seen to draw basic Democratic strength, that is, the South. . . . Without the certainty of Southern support, Mr. Roosevelt's programs, speeches, actions, and methods of procedure must have been very different, *for in the nation outside the South he was a minority leader with a temporary majority*" (p. 184. Italics mine).

HUGH A. BONE.

Queen's College.

The Wallaces of Iowa. By RUSSELL LORD. (Boston: Houghton Mifflin and Company. 1947. Pp. 584. $5.00.)

Few people in active politics have occasioned more controversy than Henry A. Wallace. Impractical, dreamer, messianic, unpredictable, wise, farseeing, rash—all of these terms have been used to describe the former Vice-President. With such contradictory opinions held by intelligent citizens, we may at least conclude that Henry A. Wallace is a challenging person. Even his closest devotees alternately blow hot and cold in their judgments of him. One of his fairly consistent admirers recently wrote of him: "Mr. Wallace's 1947 trajectory through international politics has been attended by so much obvious buzz and splutter that only his most constant friends have been able to disregard the rich, comic tinge to his passage."

While the man still lives, we are not able to come to definitive conclusions about him; but Russell Lord does an exemplary job in helping us come to a better understanding. Wallace emerges from Lord's first-rate analysis more wise, more sound, more able, and even more politically sagacious, than many doubtful citizens are ready to admit. If he believes a certain course of study or action necessary, he is pictured for us as a persistent and energetic and dogged pursuer of the end he has in view. While he does not possess the intellect of the genius, he would seem at least to rate a good "A-." Sincerity, unfailing honesty, and more than enough seriousness for one person naturally make him an uncomfortable associate for the run-of-the-mill politicians. Nor is he, as some people

believe, a babe in the woods in politics. He knows the game, even if he shows some unorthodoxy in using its techniques. Were he not of pretty tough fiber, Mr. Wallace should have a brief span of existence, for few people in public life feel more personal pain at the other fellow's misfortunes. It is this characteristic that leads him to suggest and espouse remedies for social ills that break all precedent and shatter conservatives' nerves. From his intense religious disposition, he knows the dignity and worth of man.

From Mr. Lord's extensive biography of Henry A. Wallace, one gets several fairly complete biographies of other men in public life. Aside from the other Wallaces, we have M. L. Wilson, Milo Perkins, Jesse Jones, Jerome Frank, Rexford Guy Tugwell, and others. The sections devoted to Tugwell are more extensive than the others and give us an excellent picture of this controversial and able member of the Roosevelt brain trust.

So many Wallaces are under consideration in the first half of the work that the reader is not always sure which Wallace he is reading about. In addition, some of the sections on the ways and means and problems of agriculture being quite technical, it is difficult for any but agricultural specialists to understand them. Too much of the work is on family background; however interesting the family is, one may draw the unkind conclusion that the best part of the Wallace family, like the potato plant, is under ground. That we cannot admit.

JEROME G. KERWIN.

University of Chicago.

Governments and Politics Abroad. EDITED BY JOSEPH S. ROUCEK. (New York: Funk and Wagnalls Company. 1947. Pp. xi, 585. $4.00.)

The authors are Joseph S. Roucek, editor and professor of political science at Hofstra College; Floyd A. Cave, acting head of the division of social sciences at San Francisco State College; W. L. Hindman, associate professor of political science at the University of Southern California; Glen E. Hoover, head of the department of economics and sociology at Mills College; and Thorsten V. Kalijarvi, principal analyst, European Affairs, Legislative Reference Service, Library of Congress. Of the eighteen chapters, Roucek wrote nine, Cave five, Kalijarvi two, and Hindman and Hoover one each. The jacket informs us that the book "covers the historical background of the peoples and politics of more than thirty-three countries, bringing history up-to-the-minute"—the "minute" to which allusion is made being indicated as the "fall of 1946." The governments of China and Japan "have been omitted only because the pattern of governments and politics there has not crystallized to any considerable degree

(although the same criticism can be made in regard to the chapters on Germany and Italy)."

There appears to be an inconsistency between the first two words in the title and the last paragraph of the preface—where the approach of the volume is set forth: "In regard to the frequent comment that the teaching of comparative government is now more in the field of history than in that of political science, it is necessary to say a few words. This presumption is frankly taken for granted in the present volume, for we are living through a historical period of rapid transitions, characterized by frequent changes in political systems." To press this contention to its logical end is to engage in the study of comparative government on the basis of dispatches in today's newspaper—news dispatches, be it understood, which are written by men not trained to look for things which political scientists seek. Even this book will be almost 365 issues behind the *New York Times* when it is read by students in the fall of 1947.

Quotations in the preface from the "Report of the Research Panel on Comparative Government," published in this REVIEW for 1944, are employed, partially to justify the inclusion of so large a number of governments. But the importance of some of the number to world politics is also mentioned.

Such kaleidoscopic treatment in 571 pages results in only 265 pages for the "governments" of Great Britain, France, Germany, Italy, and Russia. Great Britain and the Empire have 110 of these (a good brief review), leaving less than fifty for Germany, and less than forty for France, for Russia, and for Italy. Even these brief treatments place the emphasis upon the "rapid transitions" and the "latest changes." The German Empire, World War I, and the Weimar Constitution require less than three pages, while National Socialism rates twenty-five. Three times as much space is given to the Vichy régime as to the Third French Republic. (But many laws enacted during these earlier periods are now being restored in either original or modified form, and we must study them also in getting "up-to-the-minute.")

The usefulness of the book will depend upon the instructor and the course. It will depend upon the instructor because some—lacking what Beard calls the "omniscience necessary to understand the omnibus" in this amplitude of coverage—will find it necessary to have one book and cling to it both for assignments and lectures. It will depend upon the type of course, that is, whether the motif is *recent politics* in many states or *government* in a few.

J. G. HEINBERG.

University of Missouri.

Diplomacy by Conference; Studies in Public Affairs, 1920–1946. By the Rt. Hon. Lord Hankey. (New York: G. P. Putnam's Sons. No date. Pp. 179. $3.00.)

This book consists of speeches and papers (most of them previously published and some of them revised) on diplomacy, on imperial organization, and on British defense. The author has had the longest, most successful, and most useful career of all those British officials whose business it is to facilitate the work of politicians and statesmen. After appropriate apprenticeship, he was secretary of the Committee of Imperial Defense, secretary to the British delegations to the Paris and Washington Conferences, first secretary to the cabinet (from the beginning of the cabinet secretariat in 1916), and clerk of the Privy Council. Eventually he became a member of Mr. Chamberlain's cabinet. It is a long and impressive career, and these records of it, though fragmentary, are invaluable to students of English government and politics.

The essay which lends its title to the book is an admirable study of the development of Allied policy by means of frequent conferences of Allied leaders during the war of 1914–18 and the peace negotiations that followed. Most of the other papers deal with administrative organization, particularly of the cabinet and of the Committee of Imperial Defense. On the administrative side—and Lord Hankey was always what the English call an administrator— the author's knowledge and experience make his touch unerring. He discusses the way in which the cabinet was organized, historically, to make and to record decisions, and the cabinet secretariat established in 1916 on a formal basis to do what had been done informally and ineffectively in the nineteenth century. His review of history, particularly recent history, is full of the sort of hints for administrators which only the veteran can give. When he discusses the Committee of Imperial Defense, which he served longest, he throws light on many dark problems of English policy before and after the war of 1914.

The rest of the little volume consists of papers on British armament and on the "empire." In discussing these matters, Lord Hankey makes judgments which do not seem as much related to his administrative experience as to an underlying political point of view. There are many curious and suggestive *obiter dicta*, such as that disarmament is bad since it causes the military spirit to decay, was one of the causes of the decline of the Roman Empire, and may have contributed to the English unemployment of the 1920's (Chapter V); that "we should aim at greater self-sufficiency within the Empire" (p. 158); or that foreign affairs "in its wider as distinct from its technical aspects" might best be dealt with by the Committee of Imperial Defense" (pp. 166–171); or that, as to the system of world organization, "I confess I have always been a doubter" (p. 165).

Perhaps the final paragraph of the "Foreword," dated April 26, 1946,

might be quoted to show the point of view: "The nations of the British Commonwealth, keeping in step with the United States of America, all inspired by faith, hope, and charity, the basic principles of Christianity, provided they maintain their unity and strength, can face the future with confidence until the day comes—and may it be soon—when the problems of World Organization can be solved."

As the publication of a man in the middle of things, who saw many of the storms rage, this volume is in the small class of important records by men trained to observe and to record.

EUGENE P. CHASE.

Lafayette College.

Pearl Harbor; The Story of the Secret War. BY GEORGE MORGENSTERN. (New York: Devin-Adair Company. 1946. Pp. xv, 425. $3.00.)

This book, by an editorial writer for the *Chicago Tribune*, is in large part a prosecutor's brief; the author is concerned to place responsibility for the unhappy circumstance in which the armed forces of the United States were "sitting ducks" for the sudden Japanese attack on Pearl Harbor. Adhering closely to the evidence compiled in the Roberts Report, by the Army Pearl Harbor Board, by the Navy Court of Inquiry, and in the Joint Congressional Committee Report, he boils down the mass of material to essentials and concludes that top administrative and staff officials in Washington were guilty of culpable negligence; the indictment centers on the late President Roosevelt and his close advisers, Secretaries Hull, Knox, and Stimson. Cracking the Japanese code gave Washington information which was not passed on to Admiral Kimmel and General Short, and revealed a Japanese cabinet crisis which was ignored. Kimmel and Short were inadequately and inaccurately warned. The famous "winds message" was intercepted on December 4; a secret communication from Tokyo to Japanese emissaries abroad, it revealed preparations for immediate hostilities. General Marshall did not see the first thirteen parts of Japan's final reply to Hull's proposals until late Sunday morning, December 7, and even so, he did not get directly in touch with General Short; instead, he chose a slower form of communication which reached Hawaii only after the attack. Mr. Morgenstern also dwells upon some embarrassments: pressure for silence, bad memories, disappearing files, and the search for public scapegoats.

Unfortunately, the author does not confine himself to the task for which the evidence is appropriate. Between extensive quotations (eighty per cent of the text), the reader is pelted with a series of sweeping dicta which reveal the purpose of the book in different terms. Mr. Roosevelt's policy teased the Japanese into an attack (p. 116)—largely the result of deliberate scheming by the late President (p. 85), who was pursuing a career as

a one-man general staff (p. 57). "It was only when Japan began to impinge upon the prerogatives of the Western imperialisms that the President began to display symptoms of the moral outrage he usually reserved for Hitler and Mussolini" (p. 98). "Enough has been uncovered to provide the shadowy outline of a monstrous, unbelievable conspiracy" (p. 219). Mr. Roosevelt managed things so that he would be absolved of his promises not to send Americans into "foreign wars" (p. 267). " . . . Stimson's view was that it was patriotic to go to war for the British and Dutch Empires and unpatriotic to try to stay at peace" (p. 309). The administration engaged in a *secret war* "against nations which the leadership of this country had chosen as enemies months before they became formal enemies . . . " (p. 330).

It is not unfair so to quote the author; these themes appear very frequently, and seem unrelated to the supporting materials. The study also suffers grave distortion by being focused primarily on the year 1941. Forty years of diplomacy in the Far East are completely ignored. Excessive reliance upon the views of Admiral Richardson, E. Stanley Jones (a respected Protestant missionary), Albert Jay Nock, and the Congressional minority report constitute something less than "careful scholarship." An assumption pervades Mr. Morgenstern's case: all mistakes and omissions were part of a deliberate plot; the causes of Pearl Harbor and the causes of war with Japan were synonymous, and had errors not been committed, war would have been avoided. One can take the same data, accuse the blunderers as unpityingly, and still not conclude that America was duped into war by an unscrupulous führer who tried to force "humiliating" (p. 310) concessions upon a country reduced to "desperation" (p. 284), and who then under pressure from foreign countries like China refused a *modus vivendi* just when the peace-loving Japanese were looking for a way out. This *may* be true, but most of us will want something more substantial than Mr. Morgenstern's blind anger before believing it.

RICHARD C. SNYDER.

Princeton University.

Sotäänsyyllisemme säätytalossa. By TOIVO T. KAILA. (Helsinki: Söderström Publishing Company. 1946. Pp. 234. 125 mk.)

Two dates—November 15, 1945, and February 21, 1946—loom large in this excellent first account of Finland's "Nuremberg" written by one of the judge-alternates. It was on the first of these days that eight war-time leaders of the country were brought before a special War Crimes Tribunal; among them were a former president (Risto Ryti), two premiers (J. Rangell and E. J. Linkomies), four ministers (A. Kukkonen, H. Ramsay, T. Reinikka, and V. Tanner), and a diplomatic envoy to Germany (T. Kivimäki).

The defendants were charged with having influenced "in a decisive

manner . . . Finland's entry into war in 1941 against the Soviet Union or Great Britain," or with having "prevented the establishment of peace." Among the specific accusations leveled against them during the three and one-half months' trial were: they had failed to demobilize Finland's army after the Moscow Peace of 1940; they had made transit facilities available to German troops during 1940–41 and permitted their quartering on Finnish territory; upon the outbreak of German-Russian hostilities, they had allowed Finnish troops with their German allies to invade and occupy Russian territory; they had failed to heed the warnings of Great Britain and thus brought upon Finland a formal declaration of war in December, 1941; they had not availed themselves of American overtures (August-October, 1941; March 20, 1943) looking toward Finland's withdrawal from the war; they had rejected the Russian terms offered by Molotov in late March, 1944, in discussions with J. K. Paasikivi and Carl Enckell; they had acquiesced in Ryti's initialing the Ribbentrop agreement of June 26, 1944.

The defense, headed by Hjalmar J. Procopé, former minister to the United States, challenged the legal basis of the proceedings, insisting that the War Crimes Statute of September 12, 1945, was in violation of all "Western concepts of justice." The tribunal, twelve of whose fifteen members (all Finnish) were laymen selected by the Diet, was accused of deliberate bias: evidence was not always admitted; speeches of the defense were interrupted by the court. Nothing, complained Procopé, could be said of Finnish-Russian relations of the 1939–40 period, no derogatory statements made about any of the victorious powers. Outside pressures, symbolized in Article 13 of the Finnish-Russian armistice, were making mockery of the trial. "This," expostulated Tanner, is "exclusively a political affair!"

February 21, 1946, was Verdict Day. The decisions, providing for terms of imprisonment ranging from two to ten years, were not unexpected. As a matter of fact, two days earlier the chairman of the Diet had spoken the following words to his countrymen: "The armistice agreement is now our most important constitutional law. Article 13 thereof is to be fulfilled. . . . If our verdicts do not satisfy the Control Commission, it will mean that we have not fulfilled Article 13, and from this may stem the most serious consequences."

Dr. Kaila, while an old friend of the Soviet Union, does not attempt to hide the fact that Article 13, the known wishes of the Allied Control Commission, the demands of the Soviet Union, all hung like a sword of Damocles over the trial. Yet the evidence, incomplete though it is, does not completely exonerate Finland's war government. The transit agreements with Germany and the presence in the country of a substantial number of German troops invited Russian retaliation; crucial decisions were sometimes made by the military leaders without the foreknowledge

of the cabinet; the conduct of relations with England and the United States was tragically clumsy; among high officials there persisted a powerful, if unrealistic, faith in the ultimate defeat of Russia and the retention by Finland of its 1939 frontiers.

The unavoidable penalties of a first study in this area are heavy; the volume of Dr. Kaila suffers from a lack of complete data, absence of a careful sifting of accusations and counter-charges, and limited perspective growing out of the narrow margin of time between the events and their interpretation. But there are rich compensations: the book is written in a vivid style; it captures remarkably well the color and drama of this brief moment in Finland's history. It deserves more than a Finnish audience.

JOHN I. KOLEHMAINEN.

Heidelberg College.

Full Powers and Ratification; A Study in the Development of Treaty-Making Procedure. By J. MERVYN JONES. (Cambridge: University Press. 1946. Pp. xv, 182. $2.75.)

This small treatise is a succinct account of the changing forms and practices of states in granting "full powers" and in ratifying international treaties. It is the second volume to appear in a new series of Cambridge Studies in International and Comparative Law under the editorship of Professors Gutteridge, Lauterpacht, and McNair. As a comprehensive historical account and an analysis of the reasons why modern procedure has achieved the forms and meanings which it has attained, it is an important contribution to the literature of international and constitutional law.

The author introduces his subject by noting that within the past three hundred years significant alterations have taken place in the procedures employed by states both in granting full powers and in ratifying treaties, as well as in the concepts which have attached to these procedures in the principal treaty-making states. This he finds to have been due in part to changing constitutional theories and régimes, stemming in large measure from the French Revolution and the United States Constitution, whereby the prerogatives of the chief of state were limited and the powers of the deliberative branch of government augmented. Mr. Jones' study further reveals that these changes have been stimulated by the changing types of international agreements which have come into modern usage, particularly the intergovernmental agreement. Formerly, the production of full powers was "literally the basis of the negotiation and signature of treaties." Signature was a provisional acceptance of the treaty, and, according to the author, created an obligation on the part of the head of state to ratify within a given time. Ratification, in short, was principally an authentication of the authority under which the agent had acted, not an approval of

the substance of the document itself. Since the adoption of the United States Constitution, with its attendant admission of the Senate to the treaty-making power in this country, American law first, and subsequently legal opinion in other countries, has led to the now generally accepted proposition that no rule of international law is violated if a state refuses to ratify a treaty which its diplomatic representative may have signed under full powers. In other words, full powers conferred upon a treaty negotiator today are evidence only of authority to negotiate and sign, "but no more than that." Moreover, ratification today is fundamentally a second step in the act of acceptance of the contents of the treaty. Another evolution which Mr. Jones notes is that full powers are now given by the foreign secretary as well as by the head of state. This has been the consequence of the development of the intergovernmental agreement. In comparing ratification procedures and theories, the author observes that the United States stands alone in preserving the legal concept that ratification of treaties is retroactive to the date of signature.

This study is well written and documented. Sample forms of full powers and instruments of ratification are contained in a brief appendix. The practice of many European and American states is examined up to the outbreak of the recent war. In addition, the author has added some observations on the bearing of the United Nations Charter upon the subject.

NORMAN J. PADELFORD.

Massachusetts Institute of Technology.

Approaches to Group Understanding; Sixth Symposium. EDITED BY LYMAN BRYSON, LOUIS FINKELSTEIN, AND R. M. MACIVER. (New York and London: Distributed by Harper and Brothers. 1947. Pp. xxv, 858. $5.00.)

The sixty-seven papers included in this publication were prepared by anthropologists, sociologists, historians, economists, political scientists, philosophers, theologians, and others for the sixth meeting of the Conference on Science, Philosophy, and Religion in Their Relation to the Democratic Way of Life. The meeting was held on August 23–27, 1945.

The subject of the symposium originally was "Bridges for Cultural Understanding." While the substitution of "approaches" for "bridges" is perhaps symbolical of the gap between the ambitious aim of the Conference (as expressed by its executive committee) and the performance of the participants, the substitution of "group understanding" for "cultural understanding" is misleading. There is too little constructive thinking to suggest bridge-building, and the papers concern themselves in the main with cultural rather than group understanding in general.

The task of the Conference, as stated by its executive committee, was to bring about "adequate interchange of thought" on "the problem of edu-

cating ourselves, so that we can help educate other nations, to such a love of peaceful pursuits and goals as will make the possession of vast power by our generation an asset rather than a liability." Recognizing that "the problems of our age are largely problems of emotional response," the committee believes that "they must be met on an intellectual level, in the hope that it will be possible for reasonable men to bring about constructive changes in human outlook even in terms eventually of our emotional responses."

The committee's statement is obviously predicated on the assumption that human initiative can be an efficient source of an improvement in group relations. However, while its aim is stated in terms of what ought to be, the individual papers are largely discussions of what has been and/or what is. This is probably to be expected from a conference which admittedly was an initial step. Nevertheless, even the initial thinking about ways and means of bridge-building among groups should be bold, imaginative, and constructive. In this instance, while most of the thinking is erudite, it is, to say the least, cautious and pedestrian. The fault may lie in the subject as it was originally posed and in the questions that were submitted to the participants. Furthermore, certain of the limitations are inherent in the nature of the disciplines represented, with the possible exception of the social sciences. The main preoccupation seems to be with cultural syncretism. Any attempt at such integration is a highly worthwhile undertaking. But, while desirable in itself, it is difficult to see what contribution such a development would make to group understanding, save to produce a politically ineffectual cosmopolitanism. Without attempting to disparage such an achievement, it is probably not out of order in this time of political stress and strain to ask whether such cultural understanding would also produce economic and political concord. The question might even be raised whether there is historical evidence to support the assumption that the desired degree of cultural integration of the world can be achieved prior to its political unification.

HENRY JANZEN.

Pennsylvania State College.

Marxism and the Democratic Tradition. By A. LANDY. (New York: International Publishers. 1946. Pp. 220. $2.50.)

The Christian Significance of Karl Marx. By ALEXANDER MILLER. (New York: The Macmillan Company. 1947. Pp. 117. $1.75.)

Landy's book is of interest for those anxious to read a study of the rise of modern democracy written from a Communist-Marxist point of view. The author avoids an openly propagandistic approach, though the fundamental scheme of his presentation corresponds to orthodox Marxism-

Leninism. Modern democracy comes to the fore by the bourgeois revolutions in England, America, and France in the seventeenth and eighteenth centuries. But even here the people—represented, for example, by the Levellers in the England of Cromwell—must drive the development forward and prevent compromises with reactionary feudal forces. In the nineteenth century, with the victory of capitalism, political democracy proves insufficient; Marxism is the expression of complete social and economic democracy. Landy is eager to point out that democracy and Communism have the same roots and that today Communism and the U.S.S.R. are the exponents of democracy fighting against monopoly capitalism and its various manifestations. Marxist criticism of property, Marxist theory of the class struggle, and the dictatorship of the proletariat, reëmphasized by Lenin, are pictured as fulfilling, not as opposing, democratic developments.

Those who will regard the fundamental scheme of the book more or less as a straight-jacket into which historical periods are put may read with profit some individual analyses, *e.g.*, the discussion of Jefferson's attitude toward Napoleon (p. 79) or the survey of the Hegelians (p. 123 f). It is not surprising that the Communist author quotes Marx as the final authority on historical questions.

The Christian Significance of Karl Marx will disappoint readers looking for a systematic or historical discussion of the views of Marx and Marxists on religion. The first three chapters restate the philosophy of history of revolutionary Marxism, using particularly the Communist Manifesto. The fourth chapter quotes some critics of Marxism—Eastman, Koestler, John Macmurray. The remainder of the book tries to show that Christianity cannot identify its Kingdom of God with Marx's classless society, but on the other hand that it must take Marxism seriously as an interpretation of political and social reality capable of inspiring heroism and high virtues in some.

These reflections of a Presbyterian minister from New Zealand have the merit of warning against the over-simplified antithesis, materialism-idealism; but at the same time Marxian theories are too easily accepted and not sufficiently analyzed. The author manifestly writes, not as a student of political theories and movements, but as a spiritual and ethical adviser for whom Marxism educates the Christian to face challenges and not to avoid them by vague generalities and cheap escapes into an abstract idealism.

WALDEMAR GURIAN.

University of Notre Dame.

The Political Philosophy of Mahatma Gandhi. By G.N. DHAWAN. (Bombay: The Popular Book Depot. 1946. Pp. xvi, 354. Rs. 8/8.)

Western writers reiterate that this is a day of mankind's writhing in the

depths of moral crisis. Among those giving serious attention to political thought are some who sense the inadequacy of the still current conceptions of the state regarded as predominantly coercive power. Meanwhile the impact upon each other of East and West brings forth, now and again, some fruit of the travail. Such is the political philosophy—properly so-called—of Mahatma Gandhi, here systematically set forth by Dr. G. N. Dhawan, of the department of political science, Lucknow University, in what originally was presented as a well documented doctoral dissertation, now published with an appreciative foreword by Sir S. Radhakrishman of Benares Hindu University.

It is perhaps hardly to be doubted that we have here represented "the most original contribution of India to political thought and political practice" (p. 2). Dr. Dhawan shows its relation and its debt to forerunners of India, Islam, China, Greece and Rome, Judaism, Christianity, Medieval Europe, Quakers and Doukhobors, and to Thoreau, Ruskin, and Tolstoi. Gandhi confesses himself to have been influenced most of all by the *Gita* and, next to this, by the Sermon on the Mount.

Gandhi's metaphysical convictions here analyzed include a conception of primacy of the spirit markedly akin to that of the Christian tradition; also of freedom of the will within the limits of *karma*, and of rebirth as a process in the working out of justice. No evil means may be justified by the ultimate good. Right means and the good end constitute an integral whole. Yet human limitation may necessitate a compromise upon the imperfect.

The entire Gandhian philosophy is derived from the principle of spiritual unity. Man being rooted in *Satya* (to be identified with God, Soul Force, Moral Law), his growth and expression require him to know and to hold fast to this—the univeral good. *Satyagraha*—a term coined by Gandhi—is the relentless pursuit of truthfulness by non-violent means. It is to be distinguished from passive resistance as known in the West in that the aim of passive resistance is to embarrass the opponent into submission, while in *satyagraha* the aim is "to wean him from error by love and patient suffering." It is Gandhi's immovable faith that *satyagraha* has such superiority over physical force as to entail less of being killed than will any policy of violent resistance. *Ahimsa*, the truly spiritual non-violence which seeks always the true good of the enemy, is at once a revolutionary mode and that positive principle of the regenerate state which is India's promise to the world.

The fifteen items that constitute the program upon which is proposed the growth of the non-violent state include: (1) communal unity; (2) removal of untouchability; (3) prohibition; (4) *khadi* (the clothing handicraft through which the millions may receive self-realization; (5) other village industries; (6) new or basic education; (7) adult education; (8)

village sanitation; (9) service of backward tribes; (10) uplift of women; (11) education in hygiene and health; (12) propagation of Hindustani as the *Rastrabhasa*, in addition to the cultivation of Indian languages for the political education of the masses; (13) love of one's language; (14) working for economic equality; and (15) organization of peasantry, labor, and students.

The aim is a classlessness and, so far as the state is a coercive power, a statelessness. The ideal society will remain, however, always unrealizable. The structure of the realizable state, as representing the first step, after the revolution, towards the ideal, is that of a middle way, in which a degree of socialized and centralized production necessarily will exist, but in which socialization in the main will be tacked to handicrafts rather than to centralized production. The pace of progress must not be forced—not even toward the ideal of non-violence. "Rights are created . . . not by the state or by any other group, but by the individual himself as he develops fitness for the right by the pursuit of truth and non-violence" (p. 305).

This is not a book for the casual reader. One may sense, moreover, a slight degree of repetitiousness. Yet written in simple and forceful style, it carries a good deal of conviction. The publishers are justified in regarding the study as an "impressive and stimulating," even a "unique, contribution to the Philosophy of Non-Violence."

WALTER SANDELIUS.

University of Kansas.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

To the several indexes and other aids already available to the numerous users of the documents of the national government has now been added a very practical and helpful *Subject Guide to United States Government Publications* (American Library Association, 1947, pp. x, 228, $5.00), by Herbert S. Hirshberg and Carl L. Melinat, specialists in the field of library science. This index is "by subject only" and very limited in scope. As the authors explain in the preface, it "represents a selection of those books and pamphlets, most of them published during the past twenty years, believed to be most generally useful in libraries. There has been no attempt to include all publications on a particular subject." One conspicuous omission is committee hearings. Thus, to the graduate student and to the specialist engaged in exhaustive research, the *Guide* will seem fragmentary and inadequate, except as a place in which to look for first clues. To the general student-body in school and college and to the many interested organizations of the general public, as well as to the reference librarians who assist them, it will be like a streamlined train for time-saving. Per-

haps the good work can be continued until there is, for public documents in general, something comparable to the amazingly complete digests of court decisions now on hand in law libraries and offices. One merit of the current volume is that its limited size and price put it within the reach of individuals who need desk copies.—ARNOLD J. LIEN.

During a period in which the armed services are undergoing a drastic reorganization under the recently adopted unification program and a military service bill is being currently debated, Joseph C. Duggan's *The Legislative and Statutory Development of the Federal Concept of Military Service* (Washington: The Catholic University of America, 1946, pp. xxi, 178, $2.00) is especially timely. The author treats the development of the conscription principle from the first proposals in the colonial period through the various legislative, legal, and administrative phases, its place in the constitutional system, and how the courts have interpreted the several acts. The technique used to accomplish this purpose is a meticulous and scholarly tracing of all the significant steps of the process. Mr. Duggan finds that there was considerable support for conscription in the pre-Constitution days and that there is no doubt that the Constitution sanctions what he considers to be a sovereign power. He carefully records the unfortunate experience of the Conscription Act of 1863 and blames its failure primarily on the rôle of the military in its enforcement and the inglorious provision of permitting substitutes to serve for the selected citizen. Nevertheless, he regards this legislative enactment as affirming a worthy principle and as finishing a foundation for building an improved structure. The act of 1917 provides this improvement in most respects, the notable exception being the provision which subjected all selectees to military regulations from the moment they received their induction notices. The author believes this weakness, and in fact all others peculiar to conscription legislation, to have been remedied in the Selective Training and Service Act of 1940. He is extremely enthusiastic in his praise of this legislation as the culmination of the development of the democratic process of selecting citizens for warlike duties. According to Mr. Duggan, the only step forward that can be taken in the future is the translation of these tried and true principles of temporary military training into a permanent universal service program. His treatment of the decisions of the courts in interpreting and deciding the constitutionality of conscription laws is particularly thorough. He protrays how the establishing of the validity of the act of 1918 formed the basis for proceeding after 1940 without the necessity of being constrained by doubts relating to the determination of fundamental constitutional questions. The expanding concept of the proper determination of conscientious objectors is an interesting feature of the author's legal analysis. This study is a useful

contribution to an understanding of the legislative and legal development of compulsory military service. Mr. Duggan has carefully footnoted his materials and so thoroughly treated the subject that he can be pardoned for occasional paragraphs expressing intense partisanship for universal conscription.—CONLEY H. DILLON.

Los Angeles County as an Agency of Municipal Government, by George W. Bemis and Nancy Basché, was prepared and published under the direction of the John Randolph Haynes and Dora Haynes Foundation (Pasadena, California, 1947, pp. xv, 105). The rise of metropolitan districts presents us with one of our most acute growing governmental problems of today. Such a district is not a political unit, but rather an area including all the thickly settled territory in and around a city or a group of cities. These swelling areas present problems not simple, inclusive, or perfect of solution. Two general methods have been proposed to meet the problem. First, there are coöperative enterprises which require little or no structural changes in existing political units. Second, there are those methods which necessitate fundamental organizational changes. The present study is part of a fourfold analysis of the economic, governmental, physical, and social structure of the Los Angeles metropolitan area. In the words of Professor Cottrell, who wrote the foreword to the study: "The machinery proposed by this study is not a solution of the metropolitan problem but, on the other hand, it is a long step in the direction of meeting one of the most unsatisfactory situations in any congested region. It is simple in form, workable in its administrative procedure, optional in control, and productive of more efficient and economical functional services than any plan proposed heretofore." The study avoids recommending consolidation of city and county, the merger of all special single-service districts with the city or county, the borough plan, or any other. Instead, it presents a complete study of the Los Angeles metropolitan area; and suggestions are made to meet the needs found. The administration of municipal-type services by Los Angeles county is described and analyzed in detail. By portraying conditions as they exist, the volume will no doubt arouse public interest and promote beneficial results. No proposals for forced annexation or consolidation of existing governmental units are advanced. The study is studded with charts, tables, and maps, and gives the appearance of a well done and carefully written report.—STUART A. MACCORKLE.

There has never been anything static about American rural life; it has always been in a state of transition. It is probable, however, that the years immediately ahead will witness more rapid and profound changes than any preceding period. Mechanization is changing the size, the character,

and the personnel of the farm enterprise. This in turn will affect the rural community. It may be enriched or it may be destroyed. The fate of each community will depend largely on how well its local leadership identifies and meets the impact when it comes. In *Our Rural Communities* (Public Administration Service, 1947, pp. 201, $2.50), Miss Laverne Burchfield has provided rural leaders a brief analysis of a dozen contemporary rural problems and a guidebook to published materials on them. The book represents an expansion of a digest prepared in connection with the 1944 Conference of the American Country Life Association. Its purpose, as stated in the forward, is "first, to present a brief picture of the major problems that challenge our rural communities today, and, second, to provide a guide to the very considerable body of literature that has grown up around these problems." There are thirteen chapters. Among topics treated are schools, library service, the church, medical care and health services, recreation, housing, local government, and community organization. The introductory statement in each case is little more than a springboard, but an examination of a fair sample of the references appended would enable one to speak with some authority on the given subject. Even so, there are surprising omissions in some of the bibliographies. If one expected the book to be a sociological or political analysis of our rural communities, he would be disappointed. It is a guidebook and little more. But if one wanted to start a library or to start to educate himself on contemporary rural problems, the book would be a good one with which to begin. To the extent that rural pastors, teachers and civic leaders make such use of it will its larger usefulness be measured. Certainly in facilitating the education of those who must come to grips with the challenging problems of rural life, the American Country Life Association has rendered a distinct service.—PAUL W. WAGER.

Emma Octavia Lundberg, in *Unto the Least of These: Social Services for Children* (Appleton-Century, 1947, pp. xi, 424, $3.75), presents by picturesque analogy to tapestry the theme that the whole child is indivisible and must be understood, planned for, and served as such. This attempt to integrate programs of social service in order to produce a unified personality is not a new idea, but Miss Lundberg's presentation is informative, timely, and readable. She stresses the interrelationship of home, school, and social agency, as well as the common aims of public and private activitites in behalf of children. Her description of agencies and associations bespeaks the need for coöperation. Her discussion of the "three-fold cord" of federal, state, and local government service is accompanied by a "three-fold approach" of medical, educational, and social welfare. She constantly emphasizes the need for every child to have full opportunity for personal development regardless of economic, educational, or racial background. The author's career in the United States Children's Bureau

has given her valuable experience, free access to important documents, and associations with many prominent leaders in the field of child welfare. The mass of historical data and factual material make the book valuable for reference. The chronological account of events is enlivened by biographical sketches of twenty leaders in the field. The critical analysis of periodical sources and White House Conference Proceedings and the annotated bibliography are helpful additions. Miss Lundberg ties up her material with an excellent chapter on the legal aspects of child care and outlines a program of needed legislation which should be an effective guide to legislators and social workers. Her criticism of social work terminology is refreshing; her emphasis on mental hygiene and needs of the rural child are significant; her crusader approach is shown in her frequent use of symbolism, analogies, figures of speech, and selected quotations which are sometimes effective but tend to grow monotonous.—FRANCES P. DELANCY.

Our knowledge of political institutions in the United States owes much to the painstaking efforts of scholars who analyze and report experience in the various states. In *The Direct Primary in Idaho* (Stanford University Press, 1947, pp. 149, $3.25), Boyd A. Martin contributes an important item to the literature of popular government. In 1903, Idaho began to regulate party nominating machinery by requiring a primary election to select delegates to the conventions. In 1909, the state adopted the direct primary. After ten years, however, it repealed the law, leaving the primary for certain local offices only. When the Non-Partisan faction was permitted to invade the Democratic primaries, political leaders persuaded the legislature to restore the convention method. Senator William Borah and his Progressive supporters continued to work for the return of the direct primary; and in 1931, a split in the Republican party permitted it. Idaho continues to have the primary, although a repealer was defeated in 1943 only by gubernatorial veto. Professor Martin has striven to compare results of the convention and direct primary systems as they have operated within the thirty-year period. Opinions of party leaders, local officeholders, and newspaper editors throughout the state have been winnowed industriously. The parties are split on the question. Others seem to feel that, even with an open primary, party responsibility has not been lessened. Opinion is about evenly divided on the question of repealing the law. The author suggests that adoption of short ballot principles, a closed primary, and improvement of official publicity pamphlets would correct most of the existing difficulties. The book is well documented, although not to the extent of detracting from its readability.—WINSTON W. CROUCH.

The diversity of opportunities open to an American citizen of ability and initiative is again illustrated in Margaret Clapp's *Forgotten First*

Citizen: John Bigelow (Little, Brown and Co., 1947, pp. x, 390, $4.00); for, while "Bigelow's chief specific claim to a place in American history lies in his service in France during the Civil War," he also achieved at least a modest level of distinction as a prison reformer in New York, as a practicing attorney, as a journalist and publicist, as an active liberal who found it as difficult as some liberals find it today to remain permanently within any one political party, and as a man who found rich and tangible practical values in his religion. This volume, which is strictly the biography of a man and not the history of an era, is an intimate personal chronicle of the life of John Bigelow, 1817–1911, with meticulous attention given to the details of scenes and settings almost in the manner of a good novelist or after the pattern which might be incidental to a non-professional motion-picture-camera film. It is based upon the study of a formidable array of manuscripts, other source materials, and secondary publications. The Bigelow papers, especially the *Journal*, have been exhaustively used and made the source that colors (sometimes excessively) the entire narrative. Readable and useful as the volume is, its value would have been greatly enhanced had there been a more discriminating selectivity in the inclusion of materials and a more clear-cut delineation and more critical evaluation of Bigelow's place in the America of his day—something to explain, even if not to justify, the use of the challengeable title of "First Citizen" for a man from an era of so many notables.—ARNOLD J. LIEN.

With academic skill and an interesting literary style, Dr. Sidney Ditzion tells a fascinating story in his *Arsenals of a Democratic Culture; A Social History of the American Public Library Movement in New England and the Middle States from 1850 to 1900* (American Library Association, 1947, pp. 263, $5.00). He brought to his task the experience of the professional librarian together with the scholarship of the trained research worker. The forces, many and varied, which wished to provide free library service to all, in order to strengthen and preserve American democracy, are examined. In the development of free libraries, the concept of service was early seen as one of accommodation to the needs and desires of the mass of voters by whose ballots the libraries were financed and for whose benefit they functioned. In detail and with painstaking care, the transition from private support to public financing by municipal taxation is traced. A bibliography of twenty-one pages lists the extensive sources tapped. Forty pages of footnote references are printed at the end of the volume. Such segregation of documentation no doubt pleases the lay reader, although it is inconvenient for those who are interested in citations. Professor Merle Curti, of the University of Wisconsin, in his foreword, effectively states: "This book will be read by librarians and students of American social and intellectual history not merely within the country itself. We can be sure that this

book will find a place in the collections of the cultural attachés in our legations and embassies and that foreign librarians and students of American civilization will make good use of it."—MONA FLETCHER.

In *Mississippi; Moneys for the Cities* (Bureau of Public Administration, University of Mississippi, 1947, pp. v, 60, free), Robert Baker Highsaw analyzes the revenue system of Mississippi's municipalities. The material for the monograph is taken from census data and from information collected by personal visits and questionnaires in twenty-eight cities in the state, constituting slightly more than ten per cent of the state's municipalities. The study is divided into six chapters, and the written material is supplemented by twenty-two tables. The study points out that municipal revenues in Mississippi, as in other states, are restricted to a few sources, including the property tax, privilege taxes, government aid, and miscellaneous sources, such as earnings, fines and fees, special assessments, and street taxes. These sources for the years 1942 and 1945 are compared with those in other states in the region and with the municipal average in the United States. The study is well organized and written, the authors making very few specific suggestions for statutory or administrative changes, though the final chapter does contain recommendations for strengthening municipal revenues. Undoubtedly, if the suggestions were put into practice, the municipal financial picture in Mississippi would be brighter.—W. V. HOLLOWAY.

To the recent scholarly works on international cartels (*vide* review by Professor Carter, this REVIEW, April, 1947, and Dr. Pritchett's review of Hexner's most recent work in this REVIEW, April, 1946) must now be added Louis Marlio's case study of *The Aluminum Cartel* (Brookings Institution, 1947, pp. xi, 130, $1.50). A certain depositional character is given this study because the author was for twenty years managing director of the French Aluminum Company and from 1926 to 1939 chairman of the International Aluminum Cartel. To personal knowledge of the inception and operation of the several cartels are added the evidence of business correspondence and the author's private papers and the support of numerous statistical data. Without implying endorsement of the cartel system for other industries, Marlio recognizes "that conditions in the aluminum industry are probably the optimum for making cartelization both efficient and desirable" (p. 114). The author is in complete accord with the proposed solutions set forth in the Department of State's *Expansion of World Trade and Employment* (p. 118). He would add registration of cartels with the international organization and with each government (p. 121).—HENRY REIFF.

The 23,000 natives of Guam prefer to be called Guamanians to Chamorros. Their culture is analyzed in its historical perspective and geo-

graphical setting by Laura Thompson in *Guam and Its People* (Princeton University Press, 1947, pp. xiii, 367, $5.00), the second edition of which now makes its appearance. Personality development, land tenure, education, religion, and government all come within the scope of the work and are systematically scrutinized. Dr. Thompson is caustic in her criticism of American naval administration in Guam. The Guamanians had achieved some small measure of local self-government under Spanish rule. This went out with the coming of the Americans. Political development, she asserts, was set back a century and held there for fifty years. During this period Congress has protected the natives by no organic act, but has left them severely alone. They have been governed by a naval officer responsible only to the Secretary of the Navy and the President. From what she saw, she concludes that no administrator "can be trusted with absolute power over human beings." The book is well organized and is written in an interesting and appealing style. It is profusely illustrated, and contains a number of usable maps.—RALPH A. NOREM.

South Carolina's Natural Resources (University of South Carolina Press, 1947, pp. xi, 211, $1.50), by Christian L. Larsen, is the first publication in a series to be brought out by the Bureau of Public Administration of the University of South Carolina. The title is slightly misleading, as the book actually deals with the rôle of the government in the administration of South Carolina's natural resources. Much attention is given to the forest resources program, soil conservation, wildlife resources, electric power development, and recreation. We find that the state has an excellent program of soil conservation, being a pioneer in this field. Likewise a good program has been developed in the field of forestry and recreation. However, the selection of personnel for the various fields has not been free from politics; the state legislature has too much of a hand in personnel; and these shortcomings are brought out by the author. The book is a worth-while publication, and should prove of considerable value to political scientists, not only in South Carolina but in other states as well. The Bureau of Public Administration is to be congratulated upon the high standards set by its first publication.—CULLEN BRYANT GOSNELL.

FOREIGN GOVERNMENT AND POLITICS

A book by David J. Dallin and Boris I. Nicolaevsky on *Forced Labor in Soviet Russia* (Yale University Press, 1947, pp. xv, 331, $3.75) touches upon one of the thorniest issues about Russia. Books of this sort may produce either a violent controversy or silence. In the first case, one may expect the apologists of the Soviet régime to try to prove the falseness of the author's data and to exploit every little slip in the documentation. Silence, on the other hand, may mean that the book is unworthy of atten-

tion or that there is a desire not to contribute to its publicity. However that may be, the author should always bear in mind that all of his statements will be closely scrutinized, and therefore he should proceed with the utmost caution when writing about especially touchy problems. Unfortunately, this caution does not seem to have been observed adequately by Messrs. Dallin and Nicolaevsky. While providing many well-proved facts, their book contains also undocumented statements. A perfect example of such neglect is the following sentence on page 86: "German documents which fell into the hands of the Allies reveal with how great an interest the German government observed and studied the Soviet system of forced labor. No source is quoted, and we are left in ignorance as to the documents to which the author refers. This is a pity, because the book has otherwise much useful and uncontestable information. The bibliography which it provides is rather impressive, revealing the merit of the book and also the handicaps under which the authors have worked. The merit consists in an attempt to put in order, to systematize, numerous accounts originating from such varied sources as a former German woman Communist and a former Moscow university professor. But the authors are handicapped by the fact that many of these accounts came from people who for reasons of security (their own or that of their relatives) preferred to write under assumed names. From the purely scholarly viewpoint, this is bound to produce doubts as to the authenticity of the stories. The authors apparently have sought to counteract this impression by sheer quantity of their material; and this method renders repetitions unavoidable. On the other hand, the fact that a goodly number of men and women of different backgrounds and nationalities have, at various periods in several countries, written essentially the same things about the forced labor system seems convincing proof that their statements are true. The other alternative would be to consider these numerous revelations as "the great conspiracy against Russia." The big question as to how many prisoners Russia keeps in her concentration camps must be left to estimate—which again reduces the scholarly value of the book. On the other hand, the blame can hardly be put on the authors, since it is the Soviet government itself which, by stopping publication of statistics on forced labor, has jeopardized the validity of all other statistics concerning labor and wages, and has given incentive to the rise of most exaggerated rumors about the numbers of prisoners employed. The book is divided into two parts, one dealing with the present state of forced labor in Russia and the other with its history. While the former is more of a compilation of personal accounts, estimates, and deductions, the latter contains interesting quotations from Soviet authors as to the changing concept of forced labor in Soviet juridical thinking and also reveals facts about recent Soviet policy of forced repatriation of Russian citizens from the D.P. camps in

Germany. Despite its shortcomings, the book achieves one end: it shows how inevitably a totalitarian state finally resorts to the device of forced labor, and it indicates to what degree this institution is linked with the economic effort of the Soviet Union. It will certainly not convince those whose only qualification for judging Soviet affairs seems to be their "ardent will to believe," but it may help those who in their objective study of the "socialist sixth of the world" are willing to see both the white and the black sides of the picture.—GEORGE LENCZOWSKI.

In *Your Local Authority* (London: Sir Isaac Pitman and Sons, 1947, pp. 201, 12/6), Charles Barratt describes the development, organization, and functions of the English system of local government and analyzes critically its chief elements of strength and weakness; and his book is a good introduction to the subject. The author believes that vigorous local self-government is a prerequisite for the maintenance of democratic political institutions in the nation as a whole. Therefore he views with some alarm the disinclination of the voters to participate widely in the choice of local officials, and their tendency to accept as inevitable, if not desirable, the rapid extension of national controls over local government. The growth of these controls—legislative, judicial, and especially administrative—is illustrated in such areas as education, police, health, housing, and finance. The section devoted to local finance is particularly valuable. It describes the local taxing system, and contains a critical appraisal of the derating system, further extended in 1929. The extent of national control through grants to local governments is indicated by the fact that approximately one-half of all local income flows from the national treasury. Mr. Barratt is not unmindful of the fact that many governmental functions which formerly were of only local concern are at present necessarily matters of national interest, and he readily admits that if efficient administration were the only standard of judgment, many of the functions still locally managed might better be transferred to the national government, which has more highly trained civil servants and greater financial resources. But he thinks efficient administration should not be the only criterion. In his opinion, the core of the problem of local government lies in the necessity of reconciling the preservation of local public interest in government with efficient governmental organization. Such public interest, he maintains, can be preserved only when the people have a sense of belonging to an exclusive community with a system of government which they can hold responsible through local electoral control. To obtain more efficient administration, he suggests the creation of comprehensive area authorities large enough to plan and administer effectively those governmental services which remain within local control. The volume contains several useful organization charts and maps illustrative of "the local government mosaic."—ELMER D. GRAPER.

Aspects of British Economic History, 1918–1925 (Macmillan and Co., Ltd., 1947, pp. 251, $4.50), by Z. C. Pigou, is a study of the postwar economic problems following World War I, and was undertaken with the object of throwing light on and providing guidance for the problems to be faced after World War II. Pigou divides the period he is studying into four parts which he calls the Breathing Space, the Boom, the Slump, and the Doldrums. Through each of these parts he traces the matters of employment, production, government intervention in industry, and the monetary factor. His analysis shows errors and weaknesses in policy and the failure of the free-operating economic system to make essential adjustments and to provide adequate flexibility. Unemployment developed because of a lack of mobility of the labor force—it tended to remain in overcrowded industries despite the low levels of wages prevailing in these industries. Levels of production in the postwar period were lower than in the prewar period, partly because of the decline in the shipbuilding industry due to the diminished volume of world trade, and to the decline of about thirty per cent in the cotton piece goods exports—the most important among exports of the United Kingdom. Governmental controls were ended too abruptly, so that the possible powers "to enforce some evening-out of industrial activity" which "might have rendered the distresses of the great postwar depression less serious than they were" were lost. Finally, monetary policy centered around the reëstablishment of the prewar gold standard, and a misguided program of deflation resulted. Some of the problems Pigou deals with are those related only to the economic environment of the years following World War I. Others are more abiding, and their analysis may be helpful in dealing with present-day problems.—NATHAN L. SILVERSTEIN.

Again Chatham House puts us in debt to our British colleagues. In Muriel Grindrod's *The New Italy: Transition from War to Peace* (Royal Institute of International Affairs, 1947, pp. v, 118, $1.50), we have a really adult study of the current problem of Italy. It is calm and free from maudlin sympathy; but, more notably, it abstains from the outsider's usual Pharisaic looking down the nose at all and sundry. The political story is told with limpid clarity, of Italy's harrowing experience from 1943 to 1947, passing from Mussolini to Badoglio, to the German army's tyranny, to Allied Military Government, and the tentative steps toward a new régime. Samples of the valuable *aperçus* scattered through the narrative are the following: (1) by mid-1943 the Fascist party had already become a mere deadweight in Mussolini's bureaucratic machinery; (2) the neo-fascist "republican" movement of late 1943 showed Mussolini again (but this time vainly) making a bid for the support of the proletarian masses of the north; (3) it was a misfortune that liberation had to begin in the south, whose population has ever been less politically minded and could

produce little responsible leadership but no end of personal wrangling, thus inevitably producing in the Allied Military mind a complete misconception of the possibilities of political reconstruction. The famous six political parties are objectively characterized, in their composition, their interrelations, and their internal tendencies toward fission; also the tentative steps toward reconstruction, both of administration and economy and of a documentary constitution; also in large outline the problems of the peace treaty. Much to be appreciated is the convenience of three maps, of a fairly minute chronology of the four years, and of a group of statistical tables which suggest problems of economic reconstruction.—HENRY R. SPENCER.

After a three months' tour of eight European states and Trieste, William Z. Foster, secretary of the American Communist party, has found it possible, in his *The New Europe* (International Publishers, 1947, pp. 128, $1.25), to present a categorical and polemical analysis of the postwar social, economic, and political conditions in all of those countries. For good measure, he also contributes a "broad grasp" of the problems of Germany, Spain, and Austria—areas he did not visit. The familiar ring of his analysis suggests, at least, how this Herculean task was accomplished. The author's thesis is that a "new-type" of "advanced democracy" which ranges from "social democracy" (*e.g.*, England) to "all-democratic" government (*e.g.*, Yugoslavia), and which arose from the chaos of postwar Europe, is being wickedly threatened by the doomed "cynical imperialism" of capitalistic states and by the efforts of "quislings of Anglo-American imperialism." In spite of the generally unsurprising character of these assertions, the book has a number of interesting facets. The semi-official nature of Mr. Foster's communism provides one. Another is involved in the occasional striking summaries that he makes. Thus, he finds that in Europe, excluding the U.S.S.R. and Germany, 186 million people are governed by régimes which he can either wholly or partly approve, while only 72 millions are not. And again, there are re-introductions of old but significant ideas such as the necessity which he claims for the formation of a "working-class world political organization" to serve as successor to the Communist International.—THOMAS P. JENKIN.

INTERNATIONAL LAW AND RELATIONS

In a period of rising emotionalism over American-Soviet relations, *Russia: Menace or Promise* (Henry Holt and Co., 1947, pp. 158, $2.00), by Vera Micheles Dean, is an astringent appeal to reason. Mrs. Dean's underlying assumption is that current disagreements between America and Russia may largely be traced to differences in historical development, and that these antagonisms may best be resolved by tolerance and co-

operation within the framework of the United Nations. The United States should premise its policy, not on the need to destroy Soviet Communism, but on the challenge of competing with Russia to improve social, economic, and political conditions throughout the world. Mrs. Dean recognizes the difficulties which impede American-Soviet collaboration, but, looking into the abysmal alternative to coöperation, she rightly concludes that we must proceed with faith that Russia is more promise than menace. In giving simple, straightforward answers to twenty-one critical questions, Mrs. Dean voices a welcome note of optimism. The range of questions discussed in this small book include: What are the Russian people like? How is Russia governed? How much personal freedom is there in Russia? What is Russia's foreign policy today? Has Russia abandoned world revolution? What course should the United States follow toward Russia? Mrs. Dean's answers are rooted in Russian history, nurtured in sympathy, and shorn of chauvinism. While the scope of this book and its attendant sketchiness might have been a serious shortcoming, the author's record of scholarly work and the simple discussion technique employed give this treatment validity. To the unsophisticated reader, it offers a brief authoritative introduction; for the serious student, it outlines a sound approach to American-Soviet relations. Placed in the hands of every high school senior and college freshman, as well as in those of every man and woman in the land, this "Headline Book" of the Foreign Policy Association would prove a valuable contribution to a more enlightened public opinion on American-Soviet relations.—MARTIN KRIESBERG.

Papers presented at a summer conference of the Latin American Institute of the University of Texas have been published as a unit in its series of Latin American Studies under the title *Some Economic Aspects of Postwar Inter-American Relations* (University of Texas Press, 1946, pp. 117). As in all such collections, the eight essays included vary in quality and emphasis; some are serious studies of a limited problem by specialists in the field, while others are the product of men whose general concern with commercial affairs is not necessarily limited to Latin America alone. Some essays thus represent, quite naturally, the more conventional ideas of the older school of United States exporters of capital and merchandise, in which the main emphasis is upon maintenance of a status quo in which such exported items meet with minimum interference and are afforded maximum protection. On the other hand, at least two of the essays, one by George Wythe of the Department of Commerce, and the other by Javier Márquez, sub-director of the Fondo de Cultura Económica of Mexico, make it clear that events of the last decade and a half have altered the thinking of Latin Americans to such an extent that the older relationships in commerce and finance are hardly likely to be renewed. Protection of

infant industries, the use of exchange controls, restrictions on investment and immigration—these are realities, and whether wise on the part of Latin Americans or not, they must be reckoned with by exporters and officials of the United States. Even in some other essays in this publication, there is an indication that not all business leaders fully realize that Latin American policies of today cannot be forced into the pattern of the past. Space does not permit discussion of all of the studies, but one should be mentioned since it is in a field in which many misconceptions are current. This is an essay on population trends in Latin America, written by Kingsley Davis of Princeton University, who holds that this area is now in a phase of rapid population growth comparable to that of the United States a century ago. He thinks, however, that this increase in population will not result in the exploitation of undeveloped areas now sparsely settled. Immigration, under policies now considered desirable, likewise will not solve the problem, he holds, and full development of Latin American natural resources in relation to population can come only from basic economic and social changes at home, instead of by mere increase in numbers.—DONALD ROWLAND.

The Chaco boundary dispute between Bolivia and Paraguay was the object of attention in a variety of mediating, conciliating, and arbitral procedures. Much, but not all, of the story of the dispute is told in Margaret La Foy's *The Chaco Dispute and the League of Nations* (Ann Arbor, Mich.: Edwards Brothers, 1946, pp. 156). Chapter III is aptly styled "The Shadow of the Monroe Doctrine." This shadow arose from a considerable body of opinion that inter-American disputes should be handled exclusively by inter-American peace machinery. But the ambiguous language of the Covenant of the League did much to deepen the shadow. The differences in meaning, intent, and basic approach are at once clear when the English and French texts of the Covenant's Article 21 are reëxamined. The English wording is: "Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace." The divergent French text reads: "Les engagements internationaux, tels que les traités d'arbitrage, et les ententes régionale, comme la doctrine de Monroe, qui assurent le maintien de la paix, no sont considérés comme incompatibles avec aucune des dispositions du présent Pacte." The author clearly portrays the loss of prestige and the resentment that were felt on the one hand by the League of Nations, its Council, Assembly, and Committee of Three; and on the other hand, by the Inter-American Commission of Conciliation, the Commission of Neutrals, the Chaco Peace Conference, and the American mediating states. The "multiplicity of mediating

agencies made it possible for whichever party was dissatisfied with the negotiations of one group to insist upon mediation by some other." This reviewer's own opinion is that precisely at this point is the crux of the issue: can a world organization solve inter-American problems? For League members must have had in mind other existing or potential cases for invoking Articles 15 and 16, which added immeasurably to the difficulty of settling the Chaco affair. This point is not developed by Miss La Foy. It was largely the action of the American states that persuaded the belligerents to sign a Protocol on June 12, 1935, terminating hostilities and creating the Chaco Peace Conference. It would appear to illustrate the efficacy of the hemispheric approach. The author concludes that inter-American agreements must be coördinated to eliminate overlapping and conflicting provisions. She adds pointedly that agreements must also be *ratified*. The final conclusion is that "it would seem that in any case the universal organization should automatically assume jurisdiction if American peace machinery breaks down and hostilities threaten." —WILLARD F. BARBER.

In *The Origins and Background of the Second World War* (Oxford University Press, 1947, pp. 729, $4.00), we have a highly informed narrative in which the authors, C. Grove Haines and Ross J. S. Hoffman, develop a synthesis of the period since 1918 with the help of a large array of facts so expertly chosen and employed that they enhance rather than obscure the authors' interpretations. The utility of building a specialized account on a broad base is demonstrated here by the manner in which philosophy, literature, diplomacy, politics, and social tensions, from areas as widely separated as Manchuria and Mexico City, are all employed to explain how these forces worked together to generate the second World War. The style is vigorous; the language is pungent; the quotations are fitting and striking; summaries are focused sharply; and the exposition marches. Although the volume spans an immense amount of material, the reviewer found no errors worthy of mention in a review of this length. The chief contribution made by the book lies in the gathering of so great a quantity of materials for the period 1918–46 into a clear and easily read interpretation. The authors necessarily subordinate domestic history rigorously to the task of tracing the genesis of World War II. It is significant of their influence on world affairs that the only two nations whose internal histories are sketeched at length are Germany and the United States. The bibliographies placed at the ends of chapters are succinctly and usefully annotated.—GARLAND DOWNUM.

Julian Huxley, the director-general of the United Nations Educational, Scientific, and Cultural Organization, has written a small book, *UNESCO;*

Its Purpose and its Philosophy (Public Affairs Press, 1947, pp. 62, $2.00), which surveys the aims and purposes of the organization and stresses its universal character. There are sections on UNESCO and Human Progress, Education, Natural Science, and the Social Sciences, written in the penetrating fashion which one might expect from the author. He is keenly aware of the difficulties in the way of assisting "the emergence of a single world culture, with its own philosophy and background of ideas." He recognizes that two ways of life are now attracting the loyalties and political aspirations of hundreds of millions of human beings. But he is certain that the "inexorable dialectic of evolution" will compel their adaptation and union in a higher synthesis. The only doubt in his mind is whether this synthesis will take place before or after another world war. But since another war would set back the march of human progress by centuries, he refuses to accept that method of determining the supremacy of one system over the other. He insists that there can be agreement on the principles that the full development of the individual is the goal and that "the proper organization of society is recognized as the indispensable mechanism of that progress." In these days when so many people condemn humanity to another war on the ground that communism is just as bad as fascism, it is encouraging to find so noted a scientist convinced that there is no basis for this conclusion.—DENNA F. FLEMING.

Joseph Barber, of the research staff of the Council on Foreign Relations, reports in *American Policy Toward Germany* (Council on Foreign Relations, 1947, pp. 44, $0.50) the views of approximately five hundred Americans on this difficult problem of our foreign policy. Those circularized are members of committees on foreign relations affiliated with the Council in twenty-two cities and hence have opportunity for informal discussion of foreign affairs, although they are not as a group experts on Germany. The eighteen questions to which answers were given in January, 1947, emphasize broad questions of policy. Majority opinion supported the objectives outlined by Secretary Byrnes at Stuttgart in September, 1946, and reflected the desire to see established a unified and prosperous Germany at the same time demilitarized, denazified, and democratically governed. Current interest in this survey is heightened by the directive issued on July 15 of this year linking the economic recovery of Germany to the recovery of Europe as envisaged in the Marshall Plan, a statement of policy which a majority of this group might be expected to approve in view of their emphasis on revival of German industry and trade. A weakness of the survey is the assumption which appears to be implicit in the questions, and in most answers, that in its political aspects the problem of Germany can be considered apart from the over-all problem of world

security, and that in its economic aspects orientation of Germany in the European rather than in the world economy is sufficient.—RUTH LAWSON.

Since recent months have seen a concerted effort to modify our immigration policy, *Economics of Migration* (Oxford University Press, 1947, pp. xii, 285, $4.50), by Julius Isaac, is of timely interest to political scientists as well as to sociologists and economists. An all-around discussion of the problems of emigration and immigration, the work deals with demographic and sociological, as well as economic, aspects of migration. The author's primary object is to examine the causes and effects of great migrations during the past century and a quarter. After an introductory chapter delineating the scope of the study, the significance of migratory movements to the end of the eighteenth century is analyzed in a brief historical chapter. The remaining 262 pages (including bibliography and index) are devoted to various aspects of nineteenth- and twentieth-century migration. Although the work is dull—as many Ph.D. dissertations are inclined to be—it contains a wealth of up-to-date material, and has some value as supplementary reading for an introductory course in social science or sociology.—ARTHUR D. ANGEL.

POLITICAL THEORY AND MISCELLANEOUS

One of the first in a series of political texts now being published by Basil Blackwell (Oxford), Michael Oakeshott's edition of Thomas Hobbes' *Leviathan: Or the Matter, Forme and Power of a Commonwealth Ecclesiastical and Civil* (Macmillan Co., 1947, pp. lxvii, 468) will be most welcome and useful. In a stimulating and provocative introduction, Mr. Oakeshott contends that "the system of Hobbes' philosophy lies in his conception of the nature of philosophical knowledge, and not in any doctrine about the world. And the inspiration of his philosophy is the intention to be guided by reason and to reject all other guides: this is the thread, the hidden thought, that gives it coherence, distinguishing it from "Faith, 'Science' and Experience. . . . The lineage of Hobbes's rationalism lies, not . . . in the great Platonic-Christian tradition, but in the skeptical, late scholastic tradition" (p. xxvii). How that tradition differs essentially from the former, however, is not entirely clear. Oakeshott endeavors to explain the difference by saying that Hobbes "does not normally speak of Reason, the divine illumination of the mind that unites man with God; he speaks of reasoning. And he is not less persuaded of its fallibility and limitations than Montaigne himself." If reasoning, however, does not presuppose the existence of reason, it is difficult to understand in what possible sense the word is used. Nor does the "great Platonic-Christian tradition" deny that "it is by passion not less than by reasoning that . . . man achieves

his salvation" (p. xxvii). Somewhat later, however, Oakeshott contends that the failure to consider Hobbes' "civil philosophy in the context of the history of political philosophy . . . has obscured the fact that Hobbes is not an outcast but, in purpose though not in doctrine, is an ally of Plato, Augustine, and Aquinas. There has been failure to detect the tradition to which his civil philosophy belongs, which has led to the misconception that it belongs to none and is without lineage or progeny" (pp. li–lii). For Oakeshott, the importance of the *Leviathan* "is that it is the first great achievement in the long-projected attempt of European thought to reëmbody in a new myth the Augustinian epic of the Fall and Salvation of mankind" (pp. lii–liv).—JOHN H. HALLOWELL.

John Stuart Mill's classics, *On Liberty* and *Considerations on Representative Government* (Macmillan, 1947, pp. lix, 324), appear in an edition by R. B. McCallum of Pembroke College without subordination to *Utilitarianism*, and therefore conveniently for the undergraduate student of government; but an index is lacking and the critical introduction suffers from the omission of page references and from several serious slips, *e.g.*, "casual" for "causal" (p. xxi), "not unqualifiedly" for "unqualifiedly" (p. xxxiv), "minority" for "majority" (p. xxxix). The editor notes that we fear our neighbors less and the policeman more than when Mill believed that the general tyranny of society exceeded state power in endangering individuality and freedom; and that recent experience with dictators lessens our enthusiasm for the thesis that society has need of strong natures. On the other hand, time has more than vindicated Mill's eloquent plea for freedom of thought and discussion, and his perspicacity in evaluating political institutions and practices. Things already established that he approved—ministerial responsibility in Britain and Canada, the United States Senate and Supreme Court, Swiss and American federalism —still flourish; innovations that he advocated—competitive civil service examinations, woman suffrage, proportional representation—are today widely accepted.—MARGARET SPAHR.

With *American Thought—1947* (New York, 1947), pp. vii, 502, $3.75), an anthology of some thirty-eight articles on recent developments in about as many fields, the Gresham Press has commenced an annual series of books reporting what teams of judges selected by the publisher regard as representative contributions to British, Latin-American, European, Islamic, American, and other cultures. This is an ambitious undertaking, its purpose being to promote understanding among peoples through an international exchange of current thought. Without a broader agreement on values, it is doubtful whether this means can serve the end

in view, not to mention the issue that can be taken with the criteria of judgment and the respresentativeness of the selections themselves. The publisher, Vladimir Ivanovic, cautioned his judges that their choices from the literature should reflect the general trend, it being impossible to deal exhaustively with each subject. In his introduction, Philip Wylie avoids the conventional approach by dwelling upon the plight of the intellectual-liberal who either knows not or ignores the truth which the laws of instinct psychology reveal. What he describes as thought is declared to have little relation to what the intellectual and the scientist consider thought to mean. Our main ideas are nothing more than "mere institutions of the instinct," and "most of our great public thoughts are mere attempts to rationalize the results of an inner war between human instinct and whatever conscience has grafted upon each of us by our experience as infants and children" (p. 11). What passes for thought by American standards should be presented, according to Mr. Wylie, simply as data and speculation. Thus, *American Thought—1947* is useful provided too much is not claimed for it. Man will eventually learn the truth about his nature and the truth will set him and the world free. The prescription is not original, and it appears easy on the surface, but Mr. Wylie is careful to make it both difficult and remote. As for the articles themselves, with few exceptions they were first published in American periodicals. Their very diversity, from "The Frontiers of Altitude" by Wolfgang Langwiesche to selections from recent American poetry, precludes intelligent reviewing by one who is an amateur in so many of the subjects represented. It seems unlikely, however, that their contents will give the foreigner who comes across the book more than a limited insight into the current workings of American minds, though certain items may interest the busy individual who must bypass much good periodical reading for lack of time. Articles of value to the political scientist include: "Is Mankind Cohesive"?, by Caryl P. Haskins; " 'No!' To International Cartels," by Ben W. Lewis; "Wages and Prices: The Basic Issue," by Alvin H. Hansen; "Mackinder's Heartland," by Hans Weigert; "The Beam in Our Own Eye," by Clyde Eagleton; "Is Einstein Right?," by Christian Gauss; "Are We Ready for a World State?," by Edward R. Lewis; "Thoughts on Labor Day," by Thurman Arnold and Walton Hamilton; "Nuremberg and International Law," by Robert H. Jackson; "Military Policy and the Atomic Bomb," by Bernard Brodie; "Hate Propaganda in Detroit," by Carl O. Smith and Stephen Sarasohn; "Middletown Revisited—Muncie at Peace," by John Bartlow Martin; and "The Slaying of the European Father," by Max Lerner. It is unfortunate, as the publisher recognized, that space limitations prevented the inclusion, for the benefit of a foreign audience, of John Hersey's *Hiroshima*.—LUTHER J. LEE, JR.

A sample of the sampling technique is the shortest way to describe *British Thought 1947* (Gresham Press, 1947, pp. vii, 461, $3.75), with introduction by Ivor Brown. Intended as one in a series of similar volumes, the book forms a collection or digest of brief published essays, articles, reviews, and literary compositions by men of rising eminence or established fame (e.g., Shaw) in the arts, scholarships, and professions of contemporary Britain. The contributions range in content from aëronautics to local government, from the Bank of England to vipers. There are tidbits galore to whet the most fastidious taste, but not one *pièce de résistance* to satisfy even the daintiest appetite. The only common links are the coincidental facts that everything was written within the space of one calendar year and by Britishers. Of the thirty-eight items included, some fourteen are of reasonably obvious interest to political scientists. In the international field, a plea for continued peacetime coöperation between the Soviet Union and the West is voiced by Norman Angell and Kingsley Martin. The former addresses to Leftists, the latter to the Right, a warning that war is not inevitable. The Oxford economist, R. F. Harrod, curiously concludes that because of nationalization the Bank of England as a government agency will exercise more influence upon cabinets than it did as a semi-private institution. Ivor Brown's introduction is full of restrained confidence in Britain's future. For signs of a serious, thinking nation he points to the crowded universities, the doubled circulation of the *Manchester Guardian*, the success of the B.B.C.'s Third Program for highest-brows, and the ready sale of literary classics. Through Labor's victory paeans he claims to detect undertones of reviving conservatism. But his evidence amounts merely to some undergraduate votes in the Oxford and Cambridge unions and the election by the Scottish universities (he omits to say, by the alumni) of a Conservative M.P. to replace an Independent. Be that as it may, the book as a whole yields proof that the new Britain can think fundamentally, write eloquently, and live bravely.—Leslie Lipson.

Walter Russell Crocker's *On Governing Colonies* (George Allen and Unwin Ltd., 1947, pp. 152) is a brief, critical, and comparative account of the colonial policies of Great Britain, France, and Belgium in Africa south of the Sahara. The author discusses first Africa and the Africans and then proceeds to a consideration of Africa's chief problems, namely, disease, poverty, and ignorance. The second half of the book deals with problems of self-government and the white official. The author has had considerable experience in Africa as a soldier and colonial official and thus has enjoyed a first-hand acquaintance with both policy and its application. The Belgian approach is similar to the British, he finds, in that both are concerned with the African as the objective of policy, though control

is less centralized in the British colonies than in the Congo. French policy, on the other hand, is not only centralized; it assumes the paramountcy of France, not the paramountcy of the African native. Be this as it may, in the actual approach of the British and French there is a lack of perspective and an unawareness of the simple needs of the Africans. Thus the British will impose a parliamentary system and a complicated legal system upon a people who comprehend neither, and a type of educational system which the African neither wants nor needs. Both the British and the French will spend great sums of money to build a hospital when the expenditure of the same amount would provide the people of a given locality with a pure and adequate water supply, "the lack of which causes more disease than the hospital could ever hope to deal with." The author holds that colonial problems cannot be isolated; "they are parts of a living whole." That is why, he says, "the Tennessee Valley Authority with its conception and its practice of the total and the integrated approach contains a lesson of the highest relevance to colonies." This is an interesting book; it is well written; if the author upon occasion has indulged in simplification and generalization, it must be remembered that the very subject defies brief treatment.—C. GORDON POST.

A most interesting essay of broad scope and interpretative character is *Slave and Citizen; The Negro in the Americas* (Alfred Knopf, 1947, pp. xl, 128), by Frank Tannenbaum. Devoted to a consideration of the chief features of the slavery system in the various Americas, North, Central, and South, the essay is a keen exposition of the differences in the social, economic, legal, and moral relationships which produced diverse results in the two Americas in terms of the position of the Negro. The cultures of the Spanish and Portuguese colonies are viewed as pliable or malleable in character, accustomed previously to the institution of slavery, and already on the road to conceding to the slave a position of recognized personality. Manumission was legally possible, economically justifiable, socially accepted. In contrast, English law had no concept of "slave" as a legal status; hence, not being a free man, the Negro under Anglo-American law was pushed towards the status of chattel. The contrast in result is sharply delineated by Tannenbaum's essay. The political scientist will find this to be in Buckle's category of peripheral studies, from which the philosophy of a discipline is extracted. Tannenbaum has written interestingly and well.—CHARLES W. SHULL.

RECENT PUBLICATIONS OF POLITICAL INTEREST

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AND
MARJORIE H. SIBLEY
University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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2765. International military tribunal for the Far East: Established at Tokyo, January 19, 1946. Treaties and other international acts series 1589. 16 p. 10¢.

2770. Papers relating to the foreign relations of the United States: The Paris peace conference, 1919. Vol. X. 807 p. $2.75.

2771. United Nations educational, scientific, and cultural organization: Constitution . . . treaties, and other international acts series 1580. 29 p. 10¢.

2773. Report of the delegation of the United States of America to the Third Inter-American conference on agriculture, Caracas, Venezuela, July 24–August 7, 1945. Including final act and related documents. Conference series 94. 178 p. 40¢.

2794. American policy in occupied areas. 31 p. 20¢.

2795. The inauguration of the trusteeship system of the United Nations. United States-United Nations information series 16. 11 p. 10¢.

2801. Publications of the Department of State, January 1, 1945–January 1, 1947. 35 p. Free.

2821. First session of the General conference of UNESCO, Paris, November 19–December 10, 1946. Report of the United States delegation. 157 p. 35¢.

2826. Food and agriculture organization of the U. N. Part I: Report of the U. S. delegation to the preparatory commission on world food proposals. Part II: Proposals for amendment of FAO constitution. 26 p. 10¢.

2827. Report of the U. S. delegate to the Inter-American conference of experts on copyright. Conference series 99. 81 p. 25¢.

2836. The constitution of Japan, effective May 3, 1947. 13 p.

2850. Two aspects of trusteeship. United States trusteeship for the territory of the Pacific islands and the first session of the trusteeship council. 18 p. 10¢.

2882. European initiative essential to economic recovery. 5 p.

War Department

Civil affairs division. (German territory under U. S. occupation.) Constitutions of Bavaria, Hesse, and Wuertemberg-Baden. Washington, 1947. 74 p.

STATE AND TERRITORIAL

ALABAMA

Legislature. Reports of interim committees. Montgomery, 1947. 196 p. Tables. (1947 legislative document no. 4.)

CALIFORNIA

Legislature. Committee on administrative regulation. Summary of California statutory provisions conferring quasi-legislative functions upon state administrative agencies. Sacramento, 1946. 128 p.

University of California, Berkeley. Bureau of public administration. Public assistance allowances. B. S. Meyer. Berkeley, 1947. 38 p. (mim.) (1947 legislative problem no. 4.) $1.00.

——— The rôle of the states in recreation, prepared by Louis A. Fietz . . . Berkeley, 1947. 50 p. (mim.) (1947 legislative problems, no. 2.)

——— State income from horse-racing. Isaiah J. Spain. Berkeley, 1947. 21 p. (1947 legislative problems, no. 8.) 75¢.

——— Veterans' benefits, prepared by Dorothy C. Tompkins . . . Berkeley, 1947. 50 p. (mim.) (1947 legislative problems, no. 2.)

GEORGIA

Commission to revise the constitution of Georgia. Records of the commission . . . 1943–1944. A. B. Saye, ed. Atlanta, State Library, 1946. 2v. $5.00.

Executive department. Messages and addresses of Governor Ellis Arnall, 1943–1946. Atlanta, 1947. 166 p.

KANSAS

Bureau of government research. Governmental agencies of the state of Kansas, 1861–1946. B. E. Wilder. Lawrence, 1947. 128 p. (Govt. research series no. 4.)

MASSACHUSETTS

General court. Joint committee on municipal finance. Report . . . on a further investigation of the laws relating to municipal finances. Boston, 1947. 32 p. (H. doc. no. 410, 1947.)

Labor management committee. Report of the governor's labor management committee . . . Boston, Wright & Potter, 41 p. (House doc. no. 1875.)

Special commission relative to district court system. Report . . . Boston, Wright & Potter, 1947. 66 p. (Senate doc. 450, 1947.)

MISSOURI

Conservation commission. Report of organization, policies, and activities, January 1, 1945–June 30, 1946. Jefferson City, 1947. 133 p.

University of Missouri, Columbia. The pioneer lawyer and jurist in Missouri. Columbia, 1947. 144 p. $1.50. (Univ. of Mo. studies, v. 21, no. 2.)

NEW JERSEY

Civil service commission. Revised class tables and comparative schedules for the state classified service. Trenton, 1946. 127 p. tables.

Commission on state administrative reorganization. (This Commission has issued several reports to the governor, during 1947, on various topics relating to state government.)

Commission on state tax policy. Second report . . . to the governor and the legislature. Trenton, 1947. 112 p. tables.

NEW YORK

Department of public works. Report on New York state thruways and arterial routes, the Buffalo urban area, Erie county, N. Y. Albany, 1947. v.p. (processed).

State comptroller. Special report on municipal affairs. Albany, 1946. 442 p. (Legis. doc. 1946, no. 70.)

OHIO

Department of taxation. A study of the tax and revenue system of the state of Ohio and its political subdivisions: report . . . to the governor and 97th General Assembly. Columbus, 1947. 93 p. (processed).

PENNSYLVANIA

Joint state government commission. (This commission has issued several reports to the legislature during 1947 on such topics as coöperatives, child welfare laws, game commissions, etc.)

SOUTH CAROLINA

Bureau of public administration. Centralized purchasing for states. Columbia, 1947. 8+vii p. (mim.) (1947 series on legislative problems, no. 4.)

University, Austin. Bureau of municipal research. Forms of city government. rev. Austin, 1946. 35 p. (Municipal studies no. 28.) 50¢.

——— A quarter-century of municipal research. Austin, 1947. 22 p. (Municipal studies no. 29.) 50¢.

VIRGINIA

Richmond. City planning commission. A master plan for the physical development of the city. Richmond, 1947. 280 p. tables. maps.

FOREIGN AND INTERNATIONAL

BULGARIA

President. The speech of the provisional President of the People's Republic of Bulgaria, Yassil Kalarov. Sofia, 1947. 39 p.

Prime Minister. The government declaration. Georgi Dimitrov. Sofia, Ministry of information and arts, 1947. 31 p.

CANADA

Department of external affairs. Treaty of peace with Hungary. . . . Ottawa, King's Printer, 1947. 49 p. (Treaty series 1947, no. 5). 25¢.

——— Treaty of peace with Roumania . . . 47 p. 25¢.

——— Treaty of peace with Italy . . . 157 p. 25¢. (These treaties have not been ratified by Canada.)

——— United Nations, 1946: report of the second part of the first session of the General Assembly of the U. N. Ottawa, King's Printer, 1947. 290 p. (Conference series 1946, no. 3.) 50¢.

Parliament. Special joint committee . . . to continue and complete examination of the Indian act. Minutes of proceedings and evidence, nos. 2–17, Mar. 11–May 2, 1947. Ottawa, King's Printer, 1947. 29–842 p.

Winnipeg, Manitoba, City Clerk. Municipal manual, 1947: containing facts and figures about the city and various departments of its government. Winnipeg, 1947. 224 p.

CZECHOSLOVAKIA

Ministry of information. Statement of policy of the third government of the National front of the Czechs and Slovaks, made by the Premier, Klementi Gottwald, in the Constituent national assembly, Prague, July 8, 1946. Prague, 1946. 71 p.

DENMARK

Royal Danish ministry for foreign affairs and the Danish statistical department. New York, Danish information Service, 15 Moore Street, 1947. 280 p. (Subjects treated include the government of the country, its industry, agriculture, and finance.)

DOMINICAN REPUBLIC

Commission to appraise the report of the Brookings Institution concerning the colonization of refugees in Santo Domingo. Capacity of the Dominican Republic to absorb refugees: findings. Ciudad Trujillo, Editora Montalvo, 1946. 354 p.

GREAT BRITAIN

British information services. Reference division. Britain and European reconstruction. New York. Rockefeller Plaza, 1947. 34 p.

——— The British colonial empire in 1946. New York, Rockefeller Plaza, 1947. 18 p.

Colonial office. Malta: statement of policy on constitutional reform. Lond.: H. M. S. O., 1947. 11 p. (Cmd. 7014.) /2.

——— *Commission on the civil service of British West Africa.* Report, 1945–46. Lond.: H. M. S. O., 1947. 189 p. (Colonial no. 209.) 7/6.

Empire information service. Origins and purpose: a handbook of the British Commonwealth and Empire. Rev. ed., Lond.: H. M. S. O., 1946. 136 p. 2/.

Foreign office. Treaties of peace with Italy, Roumania, Bulgaria, Hungary, and Finland: texts for signature in Paris, Feb. 10, 1947. Lond.: H. M. S. O., 1947. 154 p. (Cmd. 7022) 2/6.

Treasury department. National income and expenditures of the United Kingdom, 1938–1946. Lond.: H. M. S. O., 1947. 60 p. (Cmd. 7099.) 1/.

Trial of German major war criminals: by international military tribunal sitting at Nuremberg: open speeches of the chief prosecutors for U. S. A., French Republic, United Kingdom . . . at the close of the case versus the individual defendants, Lond: H. M. S. O., 1946. 200 p. 3/.

MALAY STATES

Consultative committee. Constitutional proposals for Malay: report, together with proceedings of six public meetings . . . Kuala Lumpur, Government Printer, 1947. 190 p.

Working committee. Constitutional proposals for Malaya: report, December 19, 1946. rev. Kuala Lumpur, Government Printer, 1947. 92 p. 2/4.

MEXICO

Universidad nacional autonoma de Mexico. Facultad de derecho y ciencias sociales. Javier Aguilar Torres: Ineficacia de la ley de responsabilidades de los funcionarios y empleados publicos. Mexico, D.F., 1947. 50 p. (thesis.)

——— Enrique Flores Sanchez: Protección constitucional a los derechos politicos, Mexico, D.F., 1947. 51 p. (thesis.)
——— Sabina Huitron Caballero: La división de poderes. Mexico, D.F., 1947. 73 p. (thesis.)
——— Guadalupe Vega Olvera: El federalismo como forma de gobierno. Mexico. D.F., 1946. 53 p. (thesis.)

PHILIPPINE ISLANDS

President. The problems of Philippine rehabilitation and trade relations. Manuel Roxas. Manila, Bureau of Printing, 1947. 208 p.

POLAND

Ministry for foreign affairs. Foreigners in Poland. Warsaw, 1947. 48 p.
Polish embassy, New York. The new Polish-German border: safeguard of peace. Washington, 1947. 64 p. map.

SPAIN

Spanish embassy, Washington. Religious persecution in Spain under the "Republic," 1931–1937. Washington, 1947. 29 p.

VENEZUELA

Junta revolucionaria de gobierno. La revolución Venezolana ante la opinión de América. Caracas, Imp. Nacional, 1946. 143 p.

YUGOSLAVIA

Embassy, Washington. The case of Archbishop Stepinac. Washington, 1947. 96 p. illus.
——— Our feat; people's youth of Yugoslavia. n.d., n.p. (For the most part photographs of activities in Yugoslavia, with a little text.)

ALLIED AND ASSOCIATED POWERS (1945–)

Treaty of peace with Bulgaria. v.p. 1947.
Treaty of peace with Finland. v.p. 1947.
Treaty of peace with Hungary. v.p. 1947.
Treaty of peace with Italy. v.p. 1947. (All the above in Russian, English, French, and the vernacular. All have maps except the one for Italy, for which a map volume will be provided.)
Treaty of peace with Roumania. v.p. 1947.

LEAGUE OF NATIONS

Treaty series: Treaties and international engagements registered with the secretariat of the League of Nations. General index, no. 9 (v. 194–205). 496 p. N. Y., Int. Document Service, 1947. $3.75.

PAN AMERICAN UNION

The Inter-American system. Washington, 1947. 32 p. illus.

SOUTH SEAS COMMISSION

Proceedings of the South Seas commission conference, Canberra, 28th January–6th February, 1947. Canberra, Govt. Printer, 1947. 90 p. (mim.)

UNITED NATIONS

(These publications are now listed in the Bulletin of the Department of state. Few are listed here.)

Economic and social council. Resolutions adopted by the economic and social council during its fourth session from 28 February to 29 March, 1947. Lake Success, N. Y., 1947. 51 p. (Text in French and English.)

General assembly. Resolutions adopted . . . during its first special session from 28 April to 15 May, 1947. Lake Success, N. Y., 1947. 7 p. (Text in French and English.)

Trusteeship council. Rules of procedure for the trusteeship council . . . Lake Success, N. Y., 1947. 21 p.

——— Provisional questionnaire as approved . . . at the twenty-fifth meeting of its first session on 25 April, 1947. Lake Success, 1947. 17 p.

——— Resolutions adopted . . . during its first session . . . Lake Success, 1947. 9 p. (Text in French and English.)

Public information department. Research section. United Nations chronology, 1 January 1942–30 April 1947. Lake Success, N. Y., 1947. 43 p. (mim.)

——— Economic commission for Europe. Lake Success, N. Y., 1947. 11 p. (mim.)

——— Temporary social welfare committee. Lake Success, N. Y., 1947. 7 p. (mim.)

——— Questions and answers on the aims and principles of the United Nations. Lake Success, N. Y., 1947. 8 p. (mim.)

Food and agriculture organization. Report of the FAO preparatory commission on world food proposals . . . Washington, 1947. 84 p.

——— The state of food and agriculture: 1947. Geneva, 1947. 27 p. (processed).

United Nations relief and rehabilitation administration. Journal, sixth session of the Council and related documents of the sixth session, Washington, D. C., 10 to 14 December, 1946. Washington, 1947. 89 p.

NOTES ON SOME RECENT DOCUMENTARY MATERIALS

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Reëstablishment of the Dutch civil government in Java, Sumatra, and the other East Indian islands was marked by the resumption of the official gazette at Batavia, *Javasche courant, officieel nieuwsblad*, with no. 1, dated April 11, 1946, the text throughout being in Dutch. Through November, 1946, this gazette contained in good part the ordinances and orders of the Chief Commanding Officer, Allied Military Administration, Civil Affairs Branch. Enactments and orders of the Lieutenant Governor General were resumed with September, 1946, accompanied from time to time by the orders of the Militair gezag, the Dutch military administration. Enactments applicable in the Indies are issued as small-octavo supplements to the *Javasche courant* under the title *Staatsblad*, and the present series begins with those for the year 1944.

On August 17, 1945, the republic of Indonesia had been proclaimed at Batavia, by coincidence falling within the Mohammedan month of fast Ramadan. Although

its capital was established at Jogjakarta in the southeastern part of Java, an official gazette has been published at Batavia (Djakarta) in the Indonesian (Malay) language printed in roman characters by the Departemen penerangan (department or ministry of information) under the title *Berita repoeblik Indonesia, penerbitan resmi pemerintah repoeblik Indonesia*, beginning with November, 1945, and continuing on a semi-monthly schedule. The first number was a broadside with the title *Pengoemoeman pemerintah repoeblik Indonesia.* Included in the *Berita* (state news) are not only the laws of the republic as enacted by the Komite nasional poesat (national central committee or provisional parliament frequently referred to as the K.N.P. or K. N. I. P.), but also the decrees and orders of the president of the republic and of the ministries. The constitution of the Indonesian republic as drafted on August 18, 1945, is printed in the *Berita*, no. 7, February 15, 1946, under the title "Oendang-oendang dasar," and has been issued in English in mimeographed form (4 pp.) by the Kementerian penerangan (Ministry of information). In appraising the enactments and other official acts of the government of the republic of Indonesia, it would be most helpful to have at least the text of the principal laws available in English translation. The text of a treaty of friendship concluded between the republic of Indonesia and the kingdom of Egypt in the early summer of 1947 was apparently drawn up in the Arabic, Indonesian, and French languages, the text in each being equally valid.

The agreement drafted at Linggadjati near Cheribon in Java between the representatives of the Netherlands and of the Indonesian republic on November 15, 1946, and signed formally at Batavia on March 25, 1947, which provided for the de facto recognition of the republic of Indonesia in Java, Madura, and Sumatra and for its union with governments to be formed in the Celebes and in Borneo as the United States of Indonesia by January 1, 1949, has been the subject of much documentation in the *Handelingen* of the Staten generaal of the Netherlands at The Hague. In a separate pamphlet of 82 pages with the title *Indonesië in het parlement, mei 1946 met een voorwoord van Max van Poll*, the report of the Dutch parliamentary committee on the Indies and the ensuing debate as well as the statement of the government had been issued at The Hague by the Regeerings voorlichtings dienst. At Batavia in July, 1946, a statement of the Dutch government plans for the Indies was made public by the N.E.I. Information Service, with parallel text in Dutch and Indonesian in a 40-page pamphlet entitled *Indonesië's toekomst, Indonesia di kemoedian hari.* . . . Text of the agreement drafted at Linggadjati, together with statements from the Dutch commissioners, was distributed in December, 1946, by the R.V.D. under the title *Commissarissen generaal over de ontwerp-overeenkomst* (17 pp.), and also at the Rijksuitgeverij's Gravenhage in yellow book form (40 pp.) with the explanation by the Dutch commission and the statement of the Dutch government, entitled *Linggadjati: de ontwerp-overeenkomst, de toelichting der Commissie-generaal, de regeeringsverklaring.*

Just at the moment of the invasion of the Indies by the Japanese forces, the F.H. Visman report on the development of the government had been printed at the Landsdrukkerij, Batavia, 1941–42, in two volumes entitled *Verslag van de Commissie tot bestudeering van staatsrechtelijke hervormingen*, and from a surviving copy was reprinted in offset for the Commissie voor Nederlandsch-Indië, Suriname en Curaçao at New York in 1944.

In the Indies themselves, the conferences at Malino, Pangkalpinang, and Denpasar during the second half of 1946 mark the effort of the Lieutenant Governor-General to sound out the feeling of representatives of people in the Indies outside the territory of the republic as to the future form of the state.

The summary report of the Conference at Malino in the South Celebes, July 15–25, was published by the Regeerings voorlichtings dienst at Batavia in September, 1946, as a brochure of 63 pages entitled *Malino maakt historie, een overzichtelijke bewerking van notulen en tekstueele redevoeringen ter Conferentie van Malino, 15–25 Juli, 1946, door W. A. van Goudoever.* A narrative (117 pp.) of the conference of representatives of Chinese, Arabs, and Europeans at Pangkalpinang on the island of Banka, October 1–12, entitled *Pangkalpinang, werkelijkheidszin der minderheden, samengesteld door D. J. van Wijnen,* was published by the R.V.D. apparently in November.

An account of the conference held at Denpasar on the island of Bali in December, 1946, resulting in the formation of the state of East Indonesia comprehending what had been known as the Groote Oost (Celebes, Moluccas, Timor, Flores, Sumba, Sumbawa, Bali, Lombok) was published at Batavia in February, 1947, in a volume of 106 pages by the N. E. I. Government information service (Regeerings voorlichtings dienst) under the title *Denpasar bouwt een huis, een overzichtelijke bewerking van notulen en tekstueele redevoeringen ter conferentie van Denpasar 7–24 december 1946, door W. A. van Goudoever.* The "Regeling tot vorming van den staat Oost Indonesie" was promulgated in the *Javasche courant,* 1947, no. 2, and in the *Staatsblad,* 1946, no. 143, December 24, 1946.

For the new state of East Indonesia, the first bilingual official publications in Dutch and Indonesian (Malay) published at Makassar, the capital in the Celebes, on February 5, 1947, are an official gazette in folio entitled *Staatscourant voor Oost-Indonesië, Berita resmi oentoek negara Indonesia Timoer,* and a law gazette in octavo entitled *Staatsblad voor Oost-Indonesië, Staatsblad oentoek Indonesia-Timoer.* Tjokorde Gde Rake Soekawati, the president of East Indonesia and his cabinet were installed at Batavia, Java, on January 13, 1947, and proceeded to Makassar on the following day. In the first number of the *Staatsblad* is the ordinance providing for the publication of the official gazette and the law gazette. In the first number of the *Staatscourant* are the orders appointing the cabinet and designating the ministerial departments (Dutch: departement; Indonesian: kementerian) as follows:

Dutch	*Indonesian*
Economische zaken	Perekonomian
Binnenlandsche zaken	Oeroesan dalam negeri
Financiën	Keoewangan
Onderwijs	Pergoeroean
Gezondheid	Kesehatan
Sociale zaken	Oeroesan sosial
Justitie	Djoestisi
Verkeer en waterstaat	Laloe lintas dan pengairan
Voorlichting	Penerangan

In French Indochina, a sign of the changes occurring in the government was marked by the appearance at Saigon in Cochin China on November 15, 1945, in the new series, 57th year, of the *Journal officiel de la Fédération indochinoise,* including the enactments, decrees, and declarations of the French Fourth Republic applicable to the Federation as well as the enactments, decrees, and orders of the Federation itself, and public announcements, especially those of stock companies. Under the date of August 17, 1945, a French decree had created the office of Haut Commissaire de France pour l'Indochine, actually established at Saigon in the south on November 2, 1945, in place of the office of Gouverneur général de l'Indochine at Hanoi in the

north. From September, 1940, through August 18, 1945, Indochina had been under Japanese occupation. Until apparently March 9, 1945, when the French administration was succeeded by a provisional native administration, the corresponding organ for the publication of enactments had been the *Journal officiel de l'Indochine française* at Hanoi.

In July, 1946, the Direction fédérale de l'information at Saigon published a brief survey of 23 pages entitled *La situation en Indochine (mars 1945-juin 1946)* outlining steps taken in development of the Indochinese Federation, with mention of the Franco-Viet Nam convention of March 6, 1946, the Franco-Viet Nam conference at Dalat, April 18–May 11, 1946, and recognition of the Cochinchina republic at Saigon as of May 30, 1946. With reference to the Fontainebleau conference with the Viet Nam representatives, the Ministère de la France d'outre-mer devoted the entire 46 pages of no. 81, dated August 2, 1946, of its *Bulletin d'information* to documents on relationships with the Viet Nam under the caption "Le Viet Nam et l'Union française," and presented the text of the "Modus-vivendi Franco-Vietnamien" concluded on September 14, 1946, in no. 85 of the *Bulletin d'information* dated October 7, 1946.

Bases for the constitution of the Indochinese Federation were discussed at the preparatory conference held at Dalat on August 1–13, 1946, with delegations from Cambodia, Cochinchina, Laos, the mountain peoples of south Indochina, and the Cham people of south Annam. In the 76-page report on the conference issued by the Direction fédérale de l'information at Saigon in 1946 under the title *Conference préparatoire de Dalat sur le statut de la Fédération indochinoise dans l'Union française, 1er-13 aout 1946* is reproduced the proceedings of the conference committees as well as the conference resolutions relative to political and constitutional questions, economic and financial questions, cultural questions, and military questions. Professor Roger Pinto's work entitled *Aspects de l'évolution gouvernementale de l'Indochine française* (Saigon, 1946, 201 pp.), apparently published on the eve of the Dalat conference, contains on pp. 185–9 a "Projet de Statut constitutionnel de la Fédération indochinoise."

To give the first parliament and the first government of the Fourth Republic in France a survey of the basic fiscal data, 1913–1946, needed in considering the urgently required economic and financial rehabilitation of the country, the Ministère des finances prepared under date of December 1, 1946, and printed at the Imprimerie nationale, Paris, the large quarto of 671 pages entitled *Inventaire de la situation financière établi sur les instructions de M. Robert Schuman, ministre des finances.* In the introduction, brief reference is made to the recently established Comité d'enquête sur le coût et le rendement des services publics and the Commission supérieure d'études fiscales, whose activities may bear fruit only during the course of the year 1947. In order to determine priorities, the Commissariat du plan has been set up for four years to come. There have been three earlier but less ambitious "inventaires," of which the first was presented in 1925 as an *Annexe au 1er volume, Project de loi presenté à la Chambre des députés portant fixation du Budget général de l'exercice 1925* with the title *Inventaire de la situation financière de la France au début de la treizième législature, presenté par M. Clementel, ministre des finances* (Paris, Imprimerie nationale, 1924, 273 p.) There were reports of financial experts in 1929 and 1932, that of the latter year being part of a proposed budget law printed as *Impression* 1261 of the Chambre des députés, accompanying the proceedings for January 17, 1933, and being reprinted in the ministry's *Bulletin de statistique et de législation comparée*, January, 1933, p. 46ff, under the title "Exposé de la situation économique et financière presentée par les experts au gouvernement."

The Commissariat general du plan de modernisation et d'équipement, headed by Jean Monnet, was created by decree of January 3, 1946, and functions through 18 commissions de modernisation under the supervision of the Conseil du plan presided over by the President of the republic. One of the general objectives as determined in consideration of work on the early stages of the plan recorded in the 46-page document entitled *Documents relatifs à la première session du Conseil du plan (16–19 mars 1946)* Paris, Imprimerie nationale, 1946, is "de porter le volume global de la production française en 1950 à un niveau supérieur à celui de l'année 1929, année de production maximum qu'ait connue la France." The full report on the plan submitted by the Commissariat on November 23, 1946, and considered by the Conseil du plan early in January, 1947, constituting a substantial volume of 198 pages under the title *Rapport général sur le premier plan de modernisation et d'équipement*, contains mention in the letter of transmittal that of all the conditions necessary for the carrying out of the plan there is none more fundamental than the stability of prices and money and that this stability is inextricably linked to the balance of the budget of the current expenses of the government. At the end of the *Rapport général* is a folding chart showing the administrative organization for the plan, and on pp. 189–198, the membership of the 18 commissions de modernisation, giving evidence of the broad participation of industry and labor.

The *Inventaire des resources de l'économie française*, prepared in the summer of 1945 and issued in 1946 by the Direction de la documentation et des études économiques of the Ministère de l'économie nationale et des finances as a quarto volume of 296 pages, is also of interest in this connection.

For the first French Constituent assembly, November 6, 1945–April 26, 1946, the debates which were first printed from day to day as supplements to the *Journal officiel de la République française* have been issued in permanent form in six volumes with the familiar blue paper covers at the Imprimerie des Journaux officiels, Paris, 1946, under the title *Annales de l'Assemblée nationale constituante, élue le 21 octobre 1945: débats.* Author and subject-index to the debates is at the end of vol. 5. Debates of the meetings of Commission des finances et du contrôle budgetaire held from March 6 through April 11, 1946, relative to the troublesome revision of the budget, constitute vol. 6 with a separate index. The *Comptes-rendues analytiques* of the all-important Commission de la Constitution have been printed separately in small octavo size (797 pp.), and need to be considered for practical purposes as a part of the set.

The debates of the second Constituent assembly, which sat from June 12 to October 5, 1946, are being similarly issued (1947) in permanent form in three volumes, volume one covering the sessions from June 12 to August 22, the name and subject-index being at the end of vol. 3. The *Comptes-rendues analytiques* of the Commission de la Constitution, which have also been printed separately in small octavo size (808 pp.), should be considered as part of the set.

In three volumes in the familiar blue paper covers, the permanent edition of the *Débats de l'Assemblée consultative provisoire* has been issued (1945) covering the sessions from November 7, 1944, through August 3, 1945. The first volume begins on page 253 with the fifth session for 1944, a volume dealing with the previous activity of the Assembly at Algiers being in the course of printing (1947).

In the Soviet zone of Germany, each of the five states has an official gazette for the promulgation of the state laws, ordinances, and regulations, as well as for the promulgation of the Control council enactments and the orders and directives of the Soviet military government.

For the Land Mecklenburg-Vorpommern, no. 1 of the *Amtsblatt der Landesverwaltung*, dated June 25, 1946, and published at Schwerin, contains the text of all ordinances and regulations in force beginning with August, 1945. No. 4 of the *Amtsblatt*, dated August 12, is accompanied by a separate part of 69 pages containing 28 enactments of the Control council and 36 orders of the Soviet military government. In no. 7, September 19, 1946, is printed the Soviet zone "Wahlordnung für Landtags- und Kreistagswahlen" for the elections held in October, 1946. This order, also reproduced in the official gazette of each of the other states, provides for a Landtag or parliament in each state with a membership as follows: Land Mecklenburg-Vorpommern 90; Provinz Mark Brandenburg 100; Land Thüringen 100; Provinz Sachsen 110; Land Sachsen 120.

For the Provinz Mark Brandenburg, the *Verordnungsblatt der Provinzialverwaltung*, cited officially as VOBlB, began publication at Potsdam with no. 1, dated October, 1945. The first law enacted by the Landtag, entitled "Demokratische Kreisordnung für die Mark Brandenburg," was promulgated in year 2, no. 20, December 20, 1946, with which the publication takes the title *Gesetz- u. Verordnungsblatt der Provinzialregierung*. After the Land Preussen (state of Prussia) had been formally abolished by Control Council law 46, February 27, 1947, the designation "Provinz" was by order of the Soviet Military government replaced by designation "Land."

For the Land Thüringen (Thuringia), called in the beginning Provinz, the *Regierungsblatt für das Land* began publication at Weimar with no. 1, July, 1945. A law of December 4, 1946, enacted by the Landtag, transformed the existing Landesverwaltung created in September, 1945, into a Landesregierung consisting of a Ministerpräsident and six ministries as follows: Ministerium für allgemeine Verwaltung, Ministerium für Wirtschaftsplanung, Ministerium für Versorgung, Ministerium für Finanzen, Ministerium für Volksbildung, Ministerium für Justiz.

For the Provinz Sachsen (Saxony), created in July, 1945, through the merging of the provinces of Halle-Merseburg and Magdeburg with the Land Anhalt, the *Verordnungsblatt für die Provinz*, cited officially as VOBlPS, began publication at Halle (Saale) with no. 1, October 6, 1945, and frequently contains at the beginning of the numbers short articles explanatory of some aspect of the government. At the beginning of 1947 the Provinz Sachsen became the Provinz Sachsen-Anhalt, and after the enactment of Control Council law 46, February 27, 1947, became the Land Sachsen-Anhalt (Saxony-Anhalt).

For the Land Sachsen (Saxony), the official gazette printed at Dresden under the title *Gesetze, Befehle, Verordnungen, Bekanntmachungen veröffentlicht durch die Landesverwaltung* began publication with no. 1, July, 1945, as the *Amtliche Nachrichten der Landesverwaltung*, and continued thus through the second year, no. 5/6, February 8, 1946.

When the Nationalrat, the popularly elected second chamber of the Austrian republic, opened its sessions on December 19, 1945, after the liberation, the daily numbers of the debates printed at the Österreichische Staatsdruckerei under the title *Stenographisches Protokoll* carried the designation "V. Gesetzgebungsperiode" (5th legislative period), ignoring the corporate parliament under the 1934 constitution, and continuing from the 4th period, 1930–34, under the 1920 constitution. At the first session was read the proclamation of April 27, 1945, reëstablishing the republic in the spirit of the constitution of 1920, and at the second session on December 21, Bundeskanzler Figl presented his program. Legislative bills, reports of committees on bills, etc., are printed in a separately numbered series entitled *Beilage zu den stenographischen Protokollen des Nationalrates* (*V.G.P.*) Debates of the

Bundesrat, the upper chamber representing the provinces, are issued in a separate series also entitled *Stenographisches Protokoll*, beginning with December 19. On December 20, 1945, the two chambers met in joint session as Bundesversammlung in accordance with the constitutional provision for the election of the president of the republic. A 2-page *Stenographisches Protokoll* for the Bundesversammlung, December 20, records the election of Dr. Karl Renner as Bundespräsident by a vote of 204 out of 205, one not being valid. On May 8, 1946, there was also a joint jubilee session styled "Festsitzung des Nationalrates und des Bundesrates der Republik Österreich aus Anlass des endgültigen Sieges der alliierten Mächte über den Nazionalsozialismus und der Befreiung Österreichs," at which Bundeskanzler Figl spoke, and for which a separate 4-page *Stenographisches Protokoll* was printed.

For the Austrian parliament, there is a very useful pocket directory compiled and edited by Joseph Pav and published by the Bilder-Zeitung G. m. b. H., Wien V., under the title *Handbuch des österreichischen National- und Bundesrates 1945 nach dem Stande vom Juni 1946* (254 p.) For each member of both houses arranged together in one alphabet is given a portrait and a brief biography with indication of the constituency and the party affiliation. Of the more than 200 members, nearly 130 reported political imprisonment, 70 were born in 1900 or later, and 9 are women. The handbook also contains a record of committee memberships, election returns, etc. A small official directory as of March 7, 1946 (79 p.), was issued under the title *Nationalrat und Bundesrat: Büro, Mitglieder, Ausschüsse, Klubs.* The Nationalrat also issued its rules in a 55-page pamphlet under the title *Geschaeftsordnung des Nationalrates, nach dem Stande vom 5. März 1933.* The full official returns of the Nationalrat election of November 25, 1945, are published by the Statistisches Zentralamt as *Beiträge zur österr. Statistik*, 2 (82 p.)

For the Cortes, the Spanish parliament established by a law of July 17, 1942, the proceedings including the debates, legislative bills, reports of committees, budgets, etc., are printed from time to time in separate numbers under the title *Boletiñ oficial de las Cortes españolas*, beginning with no. 1, March 16, 1943, being the "sesion de juramento." No. 2 reported the proceedings of the inaugural session, March 17, 1943. The publication seems to be issued only for official distribution. Members of the Cortes are designated as procuradores, and include cabinet ministers, national counselors of the Phalanx, presidents of the Consejo de estado, the Supreme court, the High military court, representatives of syndicates, alcaldes of provincial capitals, rectors of universities, and representatives of professional colleges, with not more than fifty additional to be designated by the chief of state. The law of March 9, 1946, adds to the membership a representative for each province. The Cortes itself functions mainly through committees, meeting only infrequently in plenary sessions to ratify the action of committees. For the year 1946, numbers 132 through 186 of the *Boletin oficial de las Cortes españolas* were issued, being dated from January 10 through December 30, and paged continuously from 2783 through 3843, including six plenary sessions, as follows: April 24, May 13, 14, July 15, December 12, 30. No. 175, November 28 (p. 3325–3393), is devoted to the national budget for 1947, the expenses being estimated at 14 billion pesetas and the income at 13 billion.

For the Spanish ministry of justice, a concise official account of its development, present organization, and functions has been published under the title *El Ministerio de justicia, notas históricas, organización y competencia* (Madrid, 1946, 531 pp.) The ministry traces its origin to one of the five secretarías de despacho created by Philip V in 1714. In 1808, the constitution substituted the designation ministerio for secre-

taría de despacho. On pp. 31–39 is given a table of ministers from 1754 through 1945. The material is grouped around the present principal subdivisions of the ministry as follows: Subsecretaría with subordinate and attached agencies, Dirección general de justicia, Dirección general de asuntos eclesiásticos, Dirección general de los registros y del notariado, and Dirección general de prisiones. In the prologue, Raimundo Fernández-Cuesta, minister of justice, expresses the hope that this work will soon be followed by similar works dealing with each of the other Spanish ministries, especially for those having a long history.

For Norway, the parliamentary proceedings for 1940 are now available in official sets, 9 sections bound in 11 volumes, under the title *Stortingsforhandlinger*. The first part in two volumes is devoted to the budget and budget reports. In part 7, *Stortingstidende* (debates), it may be noted that the record of the last full meeting is that of April 8, 1940, with the report by Foreign Minister Koht, but that there seems to be no record of the final meetings at Hamar and Elverum on April 9 just before the government went into exile.

On October 21, 1946, at a joint session of the two houses of the Argentine Congress, President Juan Perón presented an elaborate five-year plan under the title *Plan de gobierno, 1947–1951*. The first volume (459 pp.) contains the message and the detailed plans with legislative bills to implement them. The second volume is an atlas of 80 charts showing the proposed organization and the relationship of the services wherever necessary to the various areas of the country. A compact working edition of both the plan and the charts was issued by the Cámara de senadores in a volume of ccxxxii pp. under the title *Plan del poder ejecutivo sobre realizaciones e inversiones para el quinquenio 1947–1951*. The Secretaría técnica of the Presidencia de la nación, created June 4, 1946, when General Perón on assuming office reorganized the Secretaría de la Presidencia de la nación into three secretariats, military, technical and political, has charge of the study, direction, coördination, and carrying out of the plan.

The daily issues of the *Diario de sesiones*, or debates, of the Cámara de senadores of the Argentine republic in the extraordinary sessions of 1946–47 include in the course of the regular series the proceedings of the body as a court of impeachment (tribunal de juicio politico) in the case of the justices of the Corte suprema de justicia and of the Procurador general de la nación. On October 11, 1946, the first session as a court and the 57th of the period is included as an appendix the debate in the ordinary session on October 10 concerning the procedure to be followed. The report of the Comisión de juicio político of the Cámara de diputados forming the basis for the proceedings was printed in separate form as *Orden del día* no. 47 (pp. 245–474), sesiones ordinarias, 1946, printed September 3. Sixteen sessions were held as a court of impeachment, the decision to remove from office all except one who had resigned previously being unanimously voted on April 30th, the 16th day and the 134th of the whole period.

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